# EQUALITY IN EMPLOYMENT

## A ROYAL COMMISSION REPORT

JUDGE ROSALIE SILBERMAN ABELLA
COMMISSIONER

85-24737

# Report of the Commission on Equality in Employment

**Judge Rosalie Silberman Abella**
**Commissioner**

October, 1984

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Her Excellency
The Governor General in Council

Pursuant to my appointment by Royal Commission as called for by Order in Council of June 24, 1983, P.C. 1983-1924, to inquire into the most efficient, effective, and equitable means of promoting equal employment opportunities, I am honoured to submit to you the following Report.

Judge Rosalie Silberman Abella
Commissioner

October, 1984

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# TERMS OF REFERENCE

P.C. 1983-1924

Certified to be a true copy of a Minute of a Meeting of the Committee of the Privy Council, approved by His Excellency the Governor General on the 24 June, 1983.[*]

The Committee of the Privy Council, having had before it a report of the Minister of Employment and Immigration submitting that:

> Whereas the Government of Canada is dedicated to the principle of equality in the world of work and, in pursuance, inter alia, of this principle, Parliament enacted the *Canadian Human Rights Act* in 1977;
>
> Whereas demographic trends indicate that women will constitute the majority of new entrants into the Canadian labour force in the 1980's, and it is therefore imperative from an economic point of view to ensure that women are employed to the full extent of their productive potential and from a social point of view to ensure that women receive an equitable share of the benefits of productive work;
>
> Whereas analysis contained in reports of the Special Parliamentary Committee on the Disabled and the Handicapped, the Parliamentary Task Force Committee on Employment Opportunities for the '80's and the Labour Market Development Task Force established by the Minister of Employment and Immigration indicate the need for further government action to encourage, in all sectors of economic activity, the hiring, training and promotion of women, native people, disabled persons, and visible minorities;
>
> Whereas the measures taken by Canadian employers to increase the employability and productivity of women, native people, disabled persons and visible minorities have as yet not resulted in nearly enough change in the

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[*] As amended by Orders in Council P.C. 1983-4046 (December 22, 1983), P.C. 1984-1390 (April 16, 1984), and P.C. 1984-2882 (August 23, 1984).

employment practices which have the unintended effect of screening a disproportionate number of those persons out of opportunities for hiring and promotion;

And Whereas the Government of Canada recognizes that it has an obligation to provide leadership in ensuring the equitable and rational management of human resources within its organizations;

it is desirable that an inquiry be made into the opportunities for employment of women, native people, disabled persons and visible minorities in certain crown corporations and corporations wholly owned by the Government of Canada.

The Committee, therefore, on the recommendation of the Minister of Employment and Immigration advises that, pursuant to Part I of the Inquiries Act, a Commission be issued appointing Judge Rosalie S. Abella of the Ontario Provincial Court (Family Division) a Commissioner to inquire into the most efficient, effective and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis by:

a) examining the employment practices of Petro-Canada, Air Canada, Canadian National Railway Company, Canada Mortgage and Housing Corporation, Canada Post Corporation, Canadian Broadcasting Corporation, Atomic Energy of Canada Limited, Export Development Corporation, Teleglobe Canada and The de Havilland Aircraft of Canada, Limited and the Federal Business Development Bank; and

b) inquiring into means to respond to deficiencies in employment practices, including without limiting the generality of the foregoing means, such as an enhanced voluntary program, possibly linked with mandatory reporting requirements and a mandatory affirmative action program;

and to report on the findings of the inquiry.

In making the inquiry and report, the Commissioner shall give particular attention to:

i) the implications and impact of the various options available to the Government, including the socio-economic benefits and costs associated with each option;

ii) the views of the management of the corporations referred to in paragraph (a) on those options;

iii) the views of employees and associations representing employees of those corporations on those options;

iv) the views of associations representing women, native people, disabled persons and visible minorities on those options;

v) the views of any other interested individual or group, including the management, employees, and associations representing employees of other federal crown corporations.

The Committee further advises that the Commissioner:

1. be authorized to adopt such procedures and methods as she may from time to time consider expedient for the conduct of the inquiry;

2. be authorized to sit at such times and in such places in Canada as she may consider necessary for the purposes of the inquiry;

3. be authorized to engage the services of such accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as she may deem necessary or advisable, and also the services of counsel to aid and assist the Commissioner in the inquiry at such rates of remuneration and reimbursement as may be approved by Treasury Board;

4. be authorized to seek, in any way the Commissioner may consider necessary for the conduct of the inquiry, the assistance of any member of the Board of directors, any officer and any employee, of any corporation referred to in paragraph (a) and of any officer and any employee of any department and agency of the Government of Canada;

5. be authorized, in co-operation with the Department of Public Works, to rent office space and space facilities for public hearings as she may consider necessary at such rental rates as are consistent with the policies of the Department of Public Works;
6. be directed to report to the Governor in Council not later than October 31, 1984; and,
7. be directed to file with the Dominion Archivist the records of the Commission as soon as possible after the conclusion of the inquiry.

Gordon F. Osbaldeston
Clerk of the Privy Council

# THE PROCESS

This Commission was established by the federal government and was publicly announced on June 27, 1983.[1]

The Terms of Reference required the Commission to explore the most efficient, effective, and equitable means of promoting equality in employment for four groups: women, native people, disabled persons, and visible minorities. At the same time, it was to inquire specifically into the employment practices of 11 designated crown and government-owned corporations.

It was clear at the outset that only a broad approach would serve, and the Commission therefore treated the 11 designated corporations as illustrative models of the issues under study. No corporation's employment practices can be assessed fairly in a cultural vacuum. It would be difficult at best to make judgements about the adequacy of the practices of crown and government-owned corporations without placing these practices in the context of what other Canadians do, believe, or expect.

Moreover, without an overall analysis of the multi-dimensional nature of the barriers facing the four designated groups, a distorted perspective emerges. The climate in any given corporation reflects the social, cultural, economic, and political environment in which the corporation functions. To study a corporation's employment practices, therefore, one must also study the realities of the wider community. To recommend effective remedial measures to neutralize obstacles to equality, one must concentrate at least as intensively on the societal as on the corporate reflection of the problem.

The focus of the Commission was on matters within federal jurisdiction. However, the issues could not be so circumscribed and the organizations and individuals who met and made submissions to the Commission were not so constrained. Inevitably the Commission had to deal with issues that were within both federal and provincial jurisdiction. For that reason, while most of the Commission's recommendations are directed to the federal government, some are directed to other levels of government.

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[1] At the press conference announcing the Commission, the Honourable Lloyd Axworthy, the Minister recommending the establishment of this Commission, said that the Commission's proposals "may constitute a model that could be promoted to the private sector". *The Globe and Mail*, June 28, 1983.

The Commission's investigation proceeded simultaneously along a number of paths.

Within a week of being established, the Commission sent letters to nearly 1,000 individuals and organizations, advising them of its existence and enclosing the Terms of Reference. Within a month, these same people, along with almost 2,000 more, were sent a letter outlining the issues upon which the Commission was focusing, and inviting them to make written submissions in whatever format they found most convenient. In addition, members of the public were invited by means of a series of 60 newspaper, journal, and magazine advertisements in 23 Canadian centres to make submissions. These invitations to participate in the proceedings of the Commission are set out in Appendix A.

As a result of the letters and advertisements, the Commission received 274 written submissions as well as hundreds of letters and documents. A list of the individuals and organizations who made written submissions appears in Appendix B. These submissions, letters, and documents, many of which involved considerable research, were invaluable to the Commission.

The Commission met separately with groups of women, native people, disabled persons, visible minorities, government employees, human rights officials, and representatives of business and labour, including individuals from unions representing employees of the 11 crown and government-owned corporations. The Commission held 137 informal meetings over a seven-month period, which included an intensive six-week, cross-Canada tour during which 92 meetings were held in 17 cities. More than 1,000 individuals attended these meetings. A list of the meeting dates, the participants, and the organizations they represented is contained in Appendix C.

The decision to keep the meetings informal reflected a desire for discussions to be as open and frank as possible. Participants were told that, although notes were being taken, no comments would be attributed to anyone without his or her permission. Participants were also told they were free to make their own positions as public as they wished. This approach proved effective, and the informal meetings turned into a series of mini think-tanks with vigorous discussion by members of all the groups about their concerns.

In addition to the meetings, the Commission consulted about 160 other individuals concerning various aspects of the relevant issues.

These advisers came from the academic community, from business, from labour, from government, and from the public. A list of the people consulted by the Commission is provided in Appendix C.

In all cases, individuals meeting with the Commission did so voluntarily. The Commission's subpoena powers under Part I of the Inquiries Act were never used.

Within the first two weeks of the Commission's establishment, the Commissioner had brief meetings with each of the chief executive officers of the 11 crown and government-owned corporations to explain the aims and intended procedures of the Commission. An extensive questionnaire was prepared by the Commission during the first month, for completion by the corporations within six weeks. Every corporation cooperated fully. In November and December, the Commissioner met again with each chief executive officer to review the results of his corporation's questionnaire and to solicit views on possible remedies for the issues raised in the Terms of Reference. A list of the corporate officers with whom the Commission met is in Appendix D. The questionnaire is also reproduced in Appendix D.

As the comprehensive consultation process was taking place, a substantial research program was under way. Based again on the premise that the mandate properly required an examination of a multitude of symbiotic issues, a research agenda was drawn up and contracts assigned accordingly. The research topics and researchers were selected by the Commissioner. The studies, many of which will appear in a second volume of this Report, included the areas of history, sociology, economics, industrial relations, law, demography, philosophy, and education. The external researchers are listed and their projects described in Appendix E. Several researchers were given work space at the Commission offices, where policy meetings took place regularly. These researchers are listed in Appendix F. The Executive Coordinator of the Commission monitored the research and researchers. A full-time librarian developed the Commission's library, cataloguing all research and obtaining and organizing additional relevant material. Translation and some administrative services of the Department of Employment and Immigration were generously provided to the Commission when requested.

This Report is divided into two parts. The first, entitled "The Case for Equality", contains: an examination of what constitutes equality in employment (Chapter 1); a discussion of the specific concerns of the four designated groups and observations relevant to their concerns (Chapter 2); and an outline of the data obtained from the questionnaires completed by the 11 designated corporations as well as the general views of their chief executive officers about possible solutions to employment inequities (Chapter 3).

The second part of the Report, entitled "Implementing Equality", considers proposals to eradicate pre-employment as well as workplace barriers facing the four designated groups. Education and training are studied not only as weapons to destroy discriminatory myths but also as tools to enable individuals in these groups to qualify and thereby compete more equitably for employment opportunities (Chapter 4). Childcare is discussed as an indispensable support system for parents who are seeking, training for, or engaged in, employment (Chapter 5). The last chapter, which deals with the elimination of barriers at the workplace, includes a discussion of why mandatory measures are necessary and what form they should take. It also deals with contract compliance, such relevant industrial relations issues as seniority, and equal pay for work of equal value (Chapter 6).

Four regulatory models are presented for the government's consideration, in the event that it accepts the Commission's conclusion that voluntary measures are an unsatisfactory response to the pervasiveness of systemic discrimination in Canadian workplaces.

A list of the Commission's main recommendations follows Chapter 6.

The confluence of the research and consultation processes created the substance of this Report. Neither process alone would have done the mandate justice. But its soul was contributed by the people we heard from. To them it is dedicated.

* * *

For more than a year, a number of people were almost exclusively preoccupied with the mandate of this Commission. This intensity of commitment was invaluable to the production of this Report. It was less generous to our families. Notwithstanding that so many of our energies were directed elsewhere, they understood and encouraged our priorities. For this and many other reasons, they have our deepest appreciation.

## Chapter 1

# DEFINING EQUALITY IN EMPLOYMENT

> "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."[1]

Equality is, at the very least, freedom from adverse discrimination. But what constitutes adverse discrimination changes with time, with information, with experience, and with insight. What we tolerated as a society 100, 50, or even 10 years ago is no longer necessarily tolerable. Equality is thus a process — a process of constant and flexible examination, of vigilant introspection, and of aggressive open-mindedness.

One hundred years ago, the role for women was almost exclusively domestic; 50 years ago, some visible minorities were disenfranchised; 25 years ago, native people lacked a policy voice; and 10 years ago, disabled persons were routinely kept dependent. Today, none of these exclusionary assumptions is acceptable.

But the goal of equality is more than an evolutionary intolerance to adverse discrimination. It is to ensure, too, that the vestiges of these arbitrarily restrictive assumptions do not continue to play a role in our society.

If in this ongoing process we are not always sure what "equality" means, most of us have a good understanding of what is "fair". And what is happening today in Canada to women, native people, disabled persons, and visible minorities is not fair.

It is not fair that many people in these groups have restricted employment opportunities, limited access to decision-making processes that critically affect them, little public visibility as contributing Canadians, and a circumscribed range of options generally. It may be understandable, given history, culture, economics, and even human nature, but by no standard is it fair.

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[1] France, Anatole. *Le Lys Rouge* (*The Red Lily*). Quoted in John Bartlett, *Familiar Quotations*, Boston: Little Brown and Company, 1980, p. 655.

To attempt to unravel the complex tapestries that hang as a background to discriminatory attitudes can be an unproductive exercise. It is undoubtedly of interest to know why certain attitudes or practices were allowed to predominate; but in devising remedies to redress patently unfair realities, sorting through the malevolent, benevolent, or pragmatic causes of these realities is of little assistance. One can assume that the unfair results would not have occurred without the nourishing environment of limited sensitivities. But as we have these sensitivities educated, we must concentrate not on the motives of the past but on the best way to rectify their impact. And one of those ways is to appeal to our collective sense of fairness.

Equality in employment means that no one is denied opportunities for reasons that have nothing to do with inherent ability. It means equal access free from arbitrary obstructions. Discrimination means that an arbitrary barrier stands between a person's ability and his or her opportunity to demonstrate it. If the access is genuinely available in a way that permits everyone who so wishes the opportunity to fully develop his or her potential, we have achieved a kind of equality. It is equality defined as equal freedom from discrimination.

Discrimination in this context means practices or attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's right to the opportunities generally available because of attributed rather than actual characteristics. What is impeding the full development of the potential is not the individual's capacity but an external barrier that artificially inhibits growth.

It is not a question of whether this discrimination is motivated by an intentional desire to obstruct someone's potential, or whether it is the accidental by-product of innocently motivated practices or systems. If the barrier is affecting certain groups in a disproportionately negative way, it is a signal that the practices that lead to this adverse impact may be discriminatory.

This is why it is important to look at the results of a system. In these results one may find evidence that barriers which are inequitable impede individual opportunity. These results are by no means conclusive evidence of inequity, but they are an effective signal that further examination is warranted to determine whether the disproportionately negative impact is in fact the result of inequitable practices, and therefore calls for remedial attention, or whether it is a reflection of a non-discriminatory reality.

Equality in employment is not a concept that produces the same results for everyone. It is a concept that seeks to identify and remove, barrier by barrier, discriminatory disadvantages. Equality in employment is access to the fullest opportunity to exercise individual potential.

Sometimes equality means treating people the same, despite their differences, and sometimes it means treating them as equals by accommodating their differences.

Formerly, we thought that equality only meant sameness and that treating persons as equals meant treating everyone the same. We now know that to treat everyone the same may be to offend the notion of equality. Ignoring differences may mean ignoring legitimate needs. It is not fair to use the differences between people as an excuse to exclude them arbitrarily from equitable participation. Equality means nothing if it does not mean that we are of equal worth regardless of differences in gender, race, ethnicity, or disability. The projected, mythical, and attributed meaning of these differences cannot be permitted to exclude full participation.

Ignoring differences and refusing to accommodate them is a denial of equal access and opportunity. It is discrimination. To reduce discrimination, we must create and maintain barrier-free environments so that individuals can have genuine access free from arbitrary obstructions to demonstrate and exercise fully their potential. This may mean treating some people differently by removing the obstacles to equality of opportunity they alone face for no demonstrably justifiable reason.

People are disadvantaged for many reasons and may be disadvantaged in a variety of ways — economically, socially, politically, or educationally. Not all disadvantages derive from discrimination. Those that do demand their own particular policy responses.

At present, society's disadvantages are disproportionately assumed by the four designated groups. Clearly, some distinctions have been made or overlooked in the past that have resulted in the disproportionate representation of native people, visible minorities, disabled persons, and women on the lower rungs of the ladder to society's benefits. By reversing our approach and by using these same distinctions to identify, confront, and eliminate barriers these distinctions have caused in the past, we can reverse the trends, provide access, and open the door to equality.

To create equality of opportunity, we have to do different things for different people. We have to systematically eradicate the impediments to these options according to the actual needs of the different groups, not according to what we think their needs should be. And we have to give individuals an opportunity to use their abilities according to their potential and not according to what we think their potential should be. The process is an exercise in redistributive justice. Its object is to prevent the denial of access to society's benefits because of distinctions that are invalid.

Unless we reject arbitrary distinctions, these four groups will remain unjustifiably in perpetual slow motion. The objectives of breathing life into the notion of equality are to rectify as quickly as possible the results of parochial perspectives which unfairly restrict women, native people, disabled persons, and visible minorities.

For women, equality in employment means first a revised approach to the role women play in the workforce. It means taking them seriously as workers and not assuming that their primary interests lie away from the workplace. At the same time, it means acknowledging and accommodating the changing role of women in the care of the family by helping both them and their male partners to function effectively both as labour force participants and as parents. And it means providing the education and training to permit women the chance to compete for the widest possible range of job options. In practice this means the active recruitment of women into the fullest range of employment opportunities, equal pay for work of equal value, fair consideration for promotions into more responsible positions, participation in corporate policy decision-making through corporate task forces and committees, accessible childcare of adequate quality, paid parental leaves for either parent, and equal pensions and benefits.

For native people, equality in employment means effective and relevant education and training, accommodation to cultural and geographic realities, a primary voice in the design of the education, training, and funding programs established for their benefit, meaningful support systems, and the delivery of services through native-run institutions.

For visible minorities, we must begin with an attack on racism, which though sometimes inadvertent is nevertheless pervasive. For immigrants, there is a need for adequate language training, for some mechanism to fairly assess the qualifications of those with non-Canadian experience or education, and for a program of information and counselling to teach and assist them to adjust to Canadian culture. Wherever reasonably possible, cultural and religious differences of minorities should be accommodated and they should be encouraged to integrate though not required to assimilate.

For disabled persons, there must be as full accommodation as possible and the widest range of human and technical supports. Workplaces must in all respects be physically accessible; flexible working arrangements must be available for those unable to work long hours; attendants and technical aids should be available for those who require them; and the necessary tax adjustments must be available both to employers and disabled employees. Pension and benefit schemes must be adjusted so as to encourage disabled persons to join the workplace, and transportation systems must be adequate to permit access to workplaces.

For all groups, equality means an effective communications network whereby potential employee and employer can become aware of each other, a commitment on the part of educators, employers, and government to revise where necessary those practices that unfairly impede the employment opportunities of women, native people, disabled persons, and visible minorities, and an end to patronizing and stultifying stereotyping. It means an end to job segregation and the beginning of an approach that makes available to everyone, on the basis of ability, the widest range of options. It means accommodating differences.

This is not to suggest that no work needs to be done on encouraging individuals in these groups to review their own self-imposed inhibitions. But the encouragement and counselling of individuals to stretch their expectations is far more likely to produce the desired confidence if there is some hope on the part of these individuals that their expectations have a reasonable chance of fulfilment.

If we do not act positively to remove barriers, we wait indefinitely for them to be removed. This would mean that we are prepared in the interim to tolerate prejudice and discrimination. By not acting, we unfairly ignore how inherently invalid these exclusionary distinctions are, and we signal our acceptance as a society that stereotypical attributes assigned to these four groups are appropriate justifications for their disproportionate disadvantages.

If they are not appropriate, and intrinsically they are not, we have an obligation as a society to remedy this inequity. It is in the act of remedying the inequity that we show our commitment to equality. In this sense, inactivity, however it is translated into defensive public or private rhetoric, is an acceptance of inequality. No exigency, economic or political, can justify the knowing perpetuation of inequality in Canada. If we fail to rectify it, we guarantee its survival.

It is probable that absolute equality is unattainable.[2] But even if it is, no civilized society worthy of the description can afford not to struggle for its achievement. We may not be able to achieve absolute equality, but we can certainly reduce inequality.[3]

## EMPLOYMENT EQUITY/AFFIRMATIVE ACTION

The achievement of equality in employment depends on a double-edged approach. The first concerns those pre-employment conditions that affect access to employment. The second concerns those conditions in the workplace that militate against equal participation in employment.

Efforts to overcome barriers in employment are what have generally been called in North America affirmative action measures. These include making recruitment, hiring, promotion, and earnings more equitable. They concentrate on making adjustments in the workplace to accommodate a more heterogeneous workforce.

The Commission was told again and again that the phrase "affirmative action" was ambiguous and confusing. Not surprisingly, those who favoured government intervention to create more equitably distributed employment opportunities had less objection to the term, even if they were unclear as to its precise meaning. On the other hand, those who rejected intervention opposed the term, no matter how it was defined.

The language that has collected around the issue of equality often produces overwhelmingly emotional responses. Positions are frequently taken that have not been thought through either to their logical origins or conclusions, and this is true regardless of which side of the argument is being presented; yet they are so strongly held that they leave little room for the introduction of information or contrary judgements.

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2. "Absolute Equality is Absolutely Impossible." Jeremy Bentham. (Bowring, John, ed.) *The Works of Jeremy Bentham*. Vol. 1. Edinborough: William Tate, 1843, p. 361.

3. *Ibid*, p. 311.

Often the words themselves rather than the issues trigger intellectual resistance. Their use almost instantly produces a protective wall through which reason cannot easily penetrate. In such cases it is sometimes worth changing the language in order to allow the debate to unfold on a more reasonable level. The duel should be between principles and not between reflexes.

People generally have a sense that "affirmative action" refers to interventionist government policies, and that is enough to prompt a negative reaction from many. For others, however, much depends on the degree and quality of the intervention. They may never agree to the concept, however reasonably argued, but at least a discussion of the issues will not have been foreclosed by the waving of the semantic red flag. In other words, there may be a willingness to discuss eliminating discriminatory employment barriers but not to debate "affirmative action" as it is currently misunderstood.

The Commission notes this in order to propose that a new term, "employment equity", be adopted to describe programs of positive remedy for discrimination in the Canadian workplace. No great principle is sacrificed in exchanging phrases of disputed definition for newer ones that may be more accurate and less destructive of reasoned debate.

In devising their unique program, the Americans have called it affirmative action. In most people's minds, it has become associated with the imposition of quotas. In creating our own program in Canada, we may not wish to use quotas and we should therefore seriously consider calling it something else if we want to avoid some of the intellectual resistance and confusion. It is not imperative that we do so, but it is worth considering.

In default of some new verbal coinage, where this Report refers to affirmative action in the Canadian context, it is no more than a convenient way of identifying positive steps to correct discrimination in the workplace. Ultimately, it matters little whether in Canada we call this process employment equity or affirmative action, so long as we understand that what we mean by both terms are employment practices designed to eliminate discriminatory barriers and to provide in a meaningful way equitable opportunities in employment.

## PURPOSE OF EMPLOYMENT EQUITY

Much legislative attention has been paid to eradicating and remedying discriminatory behaviour. Human rights acts, labour codes, and the Charter of Rights and Freedoms contain provisions to address the problem.[4] By and large these provisions have been limited in two respects: they are restricted to individual allegations of discrimination; and they are potentially restricted, except under the Ontario Human Rights Code[5] and the Canadian Human Rights Act,[6] to cases of intentional discrimination.

This approach to the enforcement of human rights, based as it is on individual rather than group remedies, and perhaps confined to allegations of intentional discrimination, cannot deal with the pervasiveness and subtlety of discrimination.

Neither, by itself, can education. Education has been the classic crutch upon which we lean in the hopes of coaxing change in prejudicial attitudes. But education is an unreliable agent, glacially slow in movement and impact, and often completely ineffective in the face of intractable views. It promises no immediate relief despite the immediacy of the injustice.

The traditional human rights commission model, which valiantly signalled to the community that redress was available for individuals subjected to deliberate acts of discrimination, is increasingly under attack for its statutory inadequacy to respond to the magnitude of the problem. Resolving discrimination caused by malevolent intent on a case-by-case basis puts human rights commissions in the position of stamping out brush fires when the urgency is in the incendiary potential of the whole forest.

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4. See, for example, the following statutes: Canadian Charter of Rights and Freedoms. *The Constitution Act 1982*, C.11 (U.K.); *Canadian Human Rights Act*, S.C. 1976-77, C.33, as amended, 1977-78, C.22; 1980-81, C.54; 1980-81-82, C.111; 1980-81-82, C.143; Alberta *Individual Rights Protection Act*, R.S.A. 1980, C.I-2; British Columbia *Human Rights Act*, S.B.C. 1984, c.22; Manitoba *Employment Standards Act*, R.S.M. 1970, C.E.110 as amended S.M. 1975, C.20, Part IV; *Manitoba Human Rights Act*, S.M. 1974, c. 65; *New Brunswick Human Rights Act*, R.S.N.B. 1973, C.H-11; *Newfoundland Human Rights Act*, R.S.N. 1970, C.262 as amended, S.N. 1974, No.114; *Nova Scotia Human Rights Act*, S.N.S. 1969, C.11; Nova Scotia *Labour Standards Code*, S.N.S. 1972. C.10, as amended, S.N.S. 1976, C.41; S.N.S. 1977, C.68; Ontario *Employment Standards Act*, R.S.O. 1980, C.137, as amended; Ontario *Human Rights Code*, S.O. 1981, C.53; *Prince Edward Island Human Rights Act*, S.P.E.I. 1975, C.72; Quebec *Charter of Human Rights and Freedoms*, R.S.Q. 1977, C.C-12; *Saskatchewan Human Rights Code*, S.S. 1979, C.S-24.1; Saskatchewan *Labour Standards Act*, R.S.S. 1978, C.L-1; Northwest Territories *Fair Practices Ordinance*, R.O.N.W.T. 1974, C.F-2; Yukon *Labour Standards Ordinances*, R.O.Y.T. 1971, C.L-1, as amended, O.Y.T. 1973 (1st), C.13.
5. Ontario *Human Rights Code*, S.O. 1981, s.10, C.53.
6. *Canadian Human Rights Act*, S.C. 1976-77, C.33 as amended, s.10. See *C.N.R.* v. *K.S. Bhinder* (1983), 4 C.H.R.R., D/1404.

It is sometimes exceptionally difficult to determine whether or not someone intends to discriminate. This does not mean that there is no need for processes that provide remedies to individuals when intentional discrimination can be proven. On the contrary, the need is manifest, but these processes do not sufficiently address the complexity of the problem. There are those who are prejudiced in attitude but not in deed, and others who commit acts of flagrant discrimination out of obliviousness or misplaced benevolence. What we intend is sometimes far less relevant than the impact of our behaviour on others.

The impact of behaviour is the essence of "systemic discrimination". It suggests that the inexorable, cumulative effect on individuals or groups of behaviour that has an arbitrarily negative impact on them is more significant than whether the behaviour flows from insensitivity or intentional discrimination. This approach to discrimination was articulated in 1971 in the U.S. Supreme Court case of *Griggs* v. *Duke Power Co.*[7] The Court held that one should look at impact rather than motive in deciding whether or not discrimination has taken place. This approach has since been followed by the American courts and it is the one that should be followed here.

Systemic discrimination requires systemic remedies. Rather than approaching discrimination from the perspective of the single perpetrator and the single victim, the systemic approach acknowledges that by and large the systems and practices we customarily and often unwittingly adopt may have an unjustifiably negative effect on certain groups in society. The effect of the system on the individual or group, rather than its attitudinal sources, governs whether or not a remedy is justified.

Remedial measures of a systemic and systematic kind are the object of employment equity and affirmative action. They are meant to improve the situation for individuals who, by virtue of belonging to and being identified with a particular group, find themselves unfairly and adversely affected by certain systems or practices.

Systemic remedies are a response to patterns of discrimination that have two basic antecedents:

a) a disparately negative impact that flows from the structure of systems designed for a homogeneous constituency; and

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[7] *Griggs* v. *Duke Power Co.* 401 U.S. 424 (1971).

b) a disparately negative impact that flows from practices based on stereotypical characteristics ascribed to an individual because of the characteristics ascribed to the group of which he or she is a member.

The former usually results in systems primarily designed for white able-bodied males; the latter usually results in practices based on white able-bodied males' perceptions of everyone else.

In both cases, the institutionalized systems and practices result in arbitrary and extensive exclusions for persons who, by reason of their group affiliation, are systematically denied a full opportunity to demonstrate their individual abilities.

Interventions to adjust the systems are thus both justified and essential. Whether they are called employment equity or affirmative action, their purpose is to open the competition to all who would have been eligible but for the existence of discrimination. The effect may be to end the hegemony of one group over the economic spoils, but the end of exclusivity is not reverse discrimination, it is the beginning of equality. The economic advancement of women and minorities is not the granting of a privilege or advantage to them; it is the removal of a bias in favour of white males that has operated at the expense of other groups.[8]

Nor should we be ingenuous in believing that once access is expanded, the equal opportunity will translate into treatment as an equal. It is not enough merely to tantalize the excluded groups with the idea that the qualifying education and training by themselves will guarantee employment opportunities. Individuals must be assured that the metamorphosis includes equality not only of access to the opportunities, but to the opportunities themselves for which their abilities qualify them. This is meaningful equality of opportunity.

Equality demands enforcement. It is not enough to be able to claim equal rights unless those rights are somehow enforceable. Unenforceable rights are no more satisfactory than unavailable ones.

This is where we rely on employment equity — to ensure access without discrimination both to the available opportunities and to the possibility of their realization.

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[8] Belton, Robert. "Discrimination and Affirmative Action: An Analysis of Competing Theories of Equality and *Weber*", 59 *North Carolina Law Review* (1981), p.537, footnote 28. Belton argues that "reverse discrimination" is a legal fiction.

## EQUALITY IN THE CHARTER OF RIGHTS AND FREEDOMS

The genuine pursuit of equality is a litmus test that gauges our success as a liberal democracy. Canada has affirmed its commitment to this pursuit by the inclusion of section 15 of the Canadian Charter of Rights and Freedoms.[9]

Section 15 protects every individual's right to equality without discrimination. It states:

> (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
>
> (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Although the body of section 15(2) refers to actions that have as their object "the amelioration of conditions of disadvantaged individuals or groups," the marginal notes to section 15(2) use the phrase "affirmative action".

Under the Charter's legislative predecessor, the Canadian Bill of Rights, the Supreme Court of Canada restricted the definition of equality to "equality of process".[10] The wording of section 15(1) of the Charter attracts a more expansive interpretation, for it pronounces the right of equality to be one of process ("before and under the law") and also one of substance ("equal protection and equal benefit"). The law must not only be evenly available, it must be evenly applied.

Until any limits to equality are accepted as demonstrably justified by a court, the presumption is that equality as guaranteed by section 15(1) is unqualified.[11] It is difficult in any case to see how equal freedom from discrimination in process or substance could be limited in a demonstrably justifiable way in a free and democratic society.[12] Section 15 contains its own reasonable limits. It articulates the right to be equally free from discrimination.

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[9] *The Constitution Act 1982*, C.11 (U.K.). Section 15 does not come into force until after April 17, 1985.

[10] R.S.C. 1970, Appendix III. See *Attorney General for Canada* v. *Lavell*, [1974] S.C.R. 1349; *Bliss* v. *Attorney General for Canada*, [1979] 1 S.C.R. 183.

As other parts of the Charter make clear, however, this does not mean that distinctions among individuals and groups are not to be recognized, or that everyone is necessarily to be treated indentically. Honouring and protecting diversity is also one of our ideals as a liberal democracy.

Thus certain sections of the Charter reinforce the protection from enforced assimilation and provide rules of construction requiring that definitions of equality respect diversity. Section 23[13] protects language rights and freedoms, section 25[14] protects aboriginal rights and freedoms, and section 27[15] protects the diversity of cultural heritage. Section 28[16] reinforces gender equality. Section 36[17] reiterates Canada's commitment to the promotion of equal opportunity and the reduction of economic disparity. Equality under the Charter, then, is a right to integrate into the mainstream of Canadian society based on, and notwithstanding, differences. It is acknowledging and accommodating differences rather than ignoring and denying them.

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[11] There is no suggestion that the Canadian courts will or should apply the "strict scrutiny" test to any group, as the American courts have done for minorities. Some argue, however, that the existence of section 28 in combination with its pre-legislative history guarantees equality to men and women without being subject to the "reasonable limits" test of section 1, thereby importing the "strict scrutiny" test into cases of gender inequality. Section 28 states:

> Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

[12] The onus is on the party asserting that the limits are reasonable. Section 1 of the *Charter* states:

> The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

See also *Quebec Association of Protestant School Boards et al.* v. *Attorney General of Quebec et al.* (No.2) (1982), 140 D.L.R. (3d) 33 (Que. S.C.); *Re Federal Republic of Germany and Rauca* (1983), 145 D.L.R. (3d) 638 (Ont. C.A.).

[13] Section 23(1) states:

> Citizens of Canada
>
> (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
>
> (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,
>
> have the right to have their children receive primary and secondary school instruction in that language in that province.

[14] Section 25 states:

> The guarantees in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including
>
> (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
>
> (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

This is a paradox at the core of any quest for employment equity: because differences exist and must be respected, equality in the workplace does not, and cannot be allowed to, mean the same treatment for all.

In recognition of the journey many have yet to complete before they achieve equality, and in recognition of how the duration of the journey has been and is being unfairly protracted by arbitrary barriers, section 15(2) permits laws, programs, or activities designed to eliminate these restraints. While section 15(1) guarantees to individuals the right to be treated as equals free from discrimination, section 15(2), though itself creating no enforceable remedy, assures that it is neither discriminatory nor a violation of the equality guaranteed by section 15(1) to attempt to improve the condition of disadvantaged individuals or groups, even if this means treating them differently.[18]

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[15] Section 27 states:

> This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

[16] *Supra*, footnote 11.

[17] Section 36(1) states:

> Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the governments, are committed to
>
> (a) promoting equal opportunities for the well-being of Canadians;
>
> (b) furthering economic development to reduce disparity in opportunities; and
>
> (c) providing essential public services of reasonable quality to all Canadians.

[18] Only under the *Canadian Human Rights Act* (S.C. 1976-77, C.33, as amended, s.41(2)), and the *Saskatchewan Human Rights Code* (S.S. 1979, C.S-24.1, s.31(7)), is the board of inquiry, or comparable body, specifically authorized to order implementation of an affirmative action program in a case where discrimination has been established.

The *Ontario Human Rights Code* (S.O. 1981, C.53, s.13(1)), the *New Brunswick Human Rights Act* (R.S.N.B. 1973, C.H-11, s.13), the *Prince Edward Island Human Rights Act* (S.P.E.I. 1975, C.72, s.19), the British Columbia *Human Rights Act* (S.B.C. 1984, c.22, s. 19(2)), the Alberta *Individual Rights Protection Act* (R.S.A. 1980, C.I-2, s.13(1)(b)), the Quebec *Charter of Human Rights and Freedoms* (R.S.Q. 1977, c. C-12, ss.86.1-86.7, added by S.Q. 1982, c.61), the *Nova Scotia Human Rights Act* (S.N.S. 1969, c.11, s.19), the Northwest Territories *Fair Practices Ordinance* (R.O.N.W.T. 1974, c.F-2, added by 1981 (3rd) c.12, s.27), and the *Manitoba Human Rights Act* (S.M. 1974, c.65, s.9) all permit affirmative action programs by providing mechanisms for their protection or approval.

Section 15(2) covers the canvas with a broad brush, permitting a group remedy for discrimination. The section encourages a comprehensive or systemic rather than a particularized approach to the elimination of discriminatory barriers.

Section 15(2) does not create the statutory obligation to establish laws, programs, or activities to hasten equality, ameliorate disadvantage, or eliminate discrimination. But it sanctions them, acting with statutory acquiescence. In much the same way, section 6(4) of the Charter sanctions, but does not require in those provinces where the employment rate is below the national average, the development of laws or programs intended to improve the conditions of disadvantaged individuals.[19]

It is unclear whether or not the courts will grant affirmative action relief to enforce the guarantees in sections 15(1), 6(2), and 6(3) by requiring programs in the nature of those contemplated by sections 15(2) and 6(4), as the American courts have done under Title VII of the Civil Rights Act.[20] Though they may have the right to order such a remedy within a broad interpretation of section 24,[21] judges in Canada may be slow to embark on this voyage of judicial activity. The more frequent judicial exercise is likely to be the determination of what constitutes a sufficient degree of "disadvantage" to warrant the existence or creation of a remedial program.

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[19] Section 6 states:

> (1) Every citizen of Canada has the right to enter, remain in and leave Canada.
>
> (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right
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> (a) to move to and take up residence in any province; and
>
> (b) to pursue the gaining of a livelihood in any province.
>
> (3) The rights specified in subsection (2) are subject to
>
> (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and
>
> (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.
>
> (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

[20] *Civil Rights Act of 1964*. Pub.L. No.88-352, 78 Stat.253 (codified at 42 U.S.C. para. 2000e (1976)).

[21] Section 24 states:

> Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

In contrast to the American system, a finding of discrimination is not a condition precedent under the Charter for approving an affirmative action plan. The judicial inquiry, if any, would be into whether or not the group was disadvantaged. Such an inquiry, in the employment context, would probably look for evidence that members of a particular group had higher unemployment rates and lower income levels, and tended to be clustered in jobs with lower occupational status. These have been referred to as the "social indicators" of job discrimination.[22] They can also be characterized as systemic discrimination.

In the only pre-Charter "affirmative action" case the Supreme Court of Canada has dealt with,[23] the court accepted as necessary a program for native people "so that they may be in a competitive position to obtain employment without regard to the handicaps [they have] inherited".[24] The court required no external evidence. Rather it took judicial notice of the disadvantage and upheld the validity of the specific program.

The courts may be uncomfortable acting as the arbiters of disadvantage, since it could involve them in a statistical and economic assessment they feel more appropriately belongs to a political policy-making branch of government.[25] If the courts are ultimately left to decide what "disadvantaged" means, it would be consistent with the spirit of section 15, with its clear allusion to systemic discrimination and its approval of systemic remedies, to find as "disadvantaged" all individuals who were members of a group found to be disadvantaged.

The court would be spared assessing the situation of every individual covered by an ameliorative program to determine whether he or she were entitled to be included in the class of "disadvantaged" persons. Every member of the disadvantaged group would be assumed to have been disadvantaged and thereby entitled to the benefit of the program.

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[22] Blumrosen, Alfred W. "The Law Transmission System and the Southern Jurisprudence of Employment Discrimination", 6 *Industrial Relations Law Journal* (1984), pp. 333-335.

[23] *Athabasca Tribal Council* v. *Amoco Canada Petroleum Co. Ltd.* (1981), 124 D.L.R. (3rd) 1 (S.C.C.).

[24] *Ibid.*, p. 10.

[25] Justice Powell, in *Regents of the University of California* v. *Bakke* 438 U.S. 265 (1978), at p. 297, expressed this sentiment when he observed, "The kind of variable sociological and political analysis necessary to produce such rankings simply does not lie within the judicial competence — even if they otherwise were politically feasible and socially desirable".

A number of other relevant issues arising from the Charter remain to be judicially determined: whether the Charter applies not only to governments but to crown corporations or to private, non-governmental activities as well;[26] the extent to which declaratory remedies will be permitted and who has standing as parties to seek them;[27] whether section 28 provides protection against the limits that may be imposed by sections 1 and 33;[28] the extent to which Canada's international legal obligations will be used in evaluating compliance with the Charter and particularly in defining "reasonable limits"; the relationship between remedies available pursuant to the Charter and other statutory remedies, such as those found in human rights acts;[29] the range of remedies available under section 24 for violation of section 15(1); and the retrospective application of Charter provisions.

## ECONOMIC CONSIDERATIONS

Canada's economy has been faltering for some time. The country's unemployment rate, at 11.2 per cent in August, 1984, is expected to hover around this mark throughout the balance of the decade.[30]

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[26] Section 32(1) states:

> This Charter applies
>
> (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
>
> (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

[27] *Re Ontario Film and Video Appreciation Society and Ontario Board of Censors* (1983), 41 O.R. (2d) 583 (Ont. H.C.), aff'd., (1984) 45 O.R. (2d) 80 (Ont. C.A.). See also *Thorson* v. *Attorney General for Canada* (No.2), [1975] 1 S.C.R. 138; *Nova Scotia Board of Censors* v. *McNeil*, [1976] 2 S.C.R. 265, (1975), 55 D.L.R. (3d) 632; *Quebec Association of Protestant School Boards et al.* v. *Attorney General of Quebec et al.* (No.2) (1982), 140 D.L.R. (3d) 33 (Que. S.C.).

[28] Section 33(1) states:

> Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in s.2 or ss.7 to 15 of this Charter.

Walter Tarnopolsky persuasively argues that section 28 does not prevent affirmative action for women, but rather protects the guarantee of gender equality from being overridden by either sections 1 or 33. ("The Equality Rights", in *Canadian Charter of Rights and Freedoms: Commentary*, eds. Walter S. Tarnopolsky and Gérard-A. Beaudoin. Toronto: Carswell, 1982, pp.436-437.)

[29] *Board of Governors of the Seneca College of Applied Arts and Technology* v. *Pushpa Bhadauria*, [1981] 2 S.C.R. 181, (1981) 124 D.L.R. (3d) 193; *Re Ontario Film and Video Appreciation Society and Ontario Board of Censors*, *supra*, footnote 27.

[30] Conference Board of Canada. *Quarterly Canadian Forecast*. 10, No.3 (October, 1983).

Full employment is desirable from every conceivable standpoint.[31] In particular this Commission is aware of the advantages full employment would bring to the furtherance of its objectives. The fewer the jobs, obviously, the keener the competition, and the less probability of a generous and open-minded reception for proposals that the rules of the competition be changed. But the Commission must take the economy as it finds it. The fact that the economy is anaemic does not justify a listless response to discrimination.

The members of the four designated groups represent about 60 per cent of Canada's total population.[32] They have a right, whatever the economic conditions, to compete equally for their fair share of employment opportunities. As it is, the recession has only intensified their long penalization in the form of undertraining, underemployment,[33] underpayment, and outright exclusion from the labour force.

The competition for jobs must be made an impartial one, open to all who are qualified or qualifiable regardless of gender, ethnicity, race, or disability. It is hard to imagine a valid excuse for postponement, given our avowed ideals and the commitments entrenched in the Canadian Charter of Rights and Freedoms. As for awaiting better times, the economic millennium may be further away than anyone comfortably projects.

The pursuit of policies that permit everyone who so wishes access to the realization of his or her full employment potential is not one that ought to be tied to an economic divining rod. The most positive way to prevent further irreversible human and financial costs to these four groups from accumulating is to impose employment equity. Under section 15 of the Charter it is permissible, and, while it is not the whole solution, it is a major step.

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[31] Bellemare, Diane, Dussault, Ginette, Poulin-Simon, Lise. "Les femmes et l'économie". Paper prepared for the Commission of Inquiry on Equality in Employment. February, 1984.

[32] Women, native males, and male members of visible minorities make up 57 per cent of the Canadian population. (Statistics Canada. *1981 Census of Canada*. Catalogue 92-911. Volume 1 — National Series (Population).) Although there is no precise data on the number of disabled males in Canada, it is conservatively estimated that 10 per cent of the Canadian population is disabled.

[33] According to the theory of a dual or segmented economy, there are desirable jobs at the core of the economy and less desirable ones at the fringes. Getting access to the core from the fringes is one challenge of employment equity.

It has been demonstrated that the United States has enjoyed a 50 per cent return on its investment in affirmative action.[34] The return would likely be higher were it not for the costs of "particular design features of the early programs",[35] features that need not be duplicated in Canada.

Among the benefits to business is the way in which affirmative action, as a comprehensive planning process, has demonstrated the importance of integrating human resource management with other corporate activities.[36] The benefits to individuals include providing dignity and an ability to contribute to the economy. The benefits to society are inestimable.

Section 15 in the Canadian Charter of Rights and Freedoms cancels the debate over whether the country's economic conditions should be permitted to dictate the timing of the implementation of equality. The time to proceed to achieve it is now.

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34. Cruz, Nestor. "Is Equal Employment Opportunity Cost Effective?", 31 *Labour Law Journal*, No.5 (May, 1980), p.295.

35. Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*. Report of the Task Force on Labour Market Development. Ottawa, July, 1981, p.107.

36. Luce, Sally R. *Retrenchment and Beyond: The Acid Test of Human Resource Management*. Report from the Compensation Research Centre of the Conference Board of Canada. Ottawa, May, 1983; Shaeffer, Ruth Gilbert. *Nondiscrimination in Employment—and Beyond*. New York: Conference Board, 1980, pp.43-44; Townson, Monica. "The Socio-Economic Costs and Benefits of Affirmative Action for Canada". Paper prepared for the Commission of Inquiry on Equality in Employment, December, 1983.

# Chapter 2

# THE DESIGNATED GROUPS

> "... traditionally most firms have regarded the white non-disabled man as the desired worker for most positions aside from those traditionally regarded as women's work. Employment practices have consequently evolved based on the physical and cultural attributes of this favoured type of worker, placing other workers and job applicants at a disadvantage regardless of their abilities and qualifications. Over time, these practices have been so generally accepted and deeply embedded in the customary processes of the organization that they are seldom questioned or altered."[1]

## Issues and Observations

Notwithstanding the range of differences within and among the four designated groups, the consensus at practically every meeting the Commission held across Canada with women, native people, disabled persons, and visible minorities was that there was a need for government intervention to increase their equitable participation in the workforce. Their participation and unemployment rates, their income levels, and their occupational segregation impelled them to seek such interventions.

The solutions they called for varied. They were largely persuaded that traditional anti-discrimination statutes and approaches were inadequate to deal with the magnitude of the problem, as were the myriad of measures and programs established to coax improvement out of a reluctant society. What was needed, these groups felt, was a comprehensive approach that would end an era of tinkering with systemic discrimination and introduce one that confronts it.

Many called for an effective monitoring and enforcement mechanism, independent from government. They felt that the elimination of discriminatory workplace barriers should be required by law and not left to the political uncertainty of policy directives. They seek solutions that will effectively reverse the process of discrimination. They are weary of being supplicants.

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[1] Canada. Employment and Immigration Canada. *Affirmative Action Technical Training Manual*. Ottawa, 1982, p.34.

On the whole, there is much cynicism and frustration among members of the designated groups. Many with whom the Commission met have been presenting the same arguments to government for years. They feel their views are frequently sought but rarely accommodated. Within months, and sometimes days, of meeting with this Commission, these individuals said that they had or would be presenting identical facts and positions to a Parliamentary Task Force on Participation of Visible Minorities in Canadian Society, a Royal Commission on the Economic Union and Development Prospects for Canada, a Parliamentary Task Force on Pension Reform, a Commission of Inquiry into Part-time Work, and a Parliamentary Task Force on Indian Self-Government.

In addition, women pointed out that since the 1970 Royal Commission on the Status of Women little substantial improvement has taken place; native people pointed to a range of studies released but ignored in the past decade; disabled persons pointed to the slow progress of the implementation of some of the key recommendations of *Obstacles*,[2] a report of the Special Committee on the Disabled and the Handicapped; and visible minorities pointed to an emphasis in funding for multiculturalism rather than for racial discrimination issues.

The frustration was less with the proliferation of research than with the absence of implementation. No one quarrelled with the need to examine thoroughly the implications of policy options. But when, as in the case of these groups, there is and has been a consistency both in the conclusions of the research and in the message from the groups, the lack of political response is puzzling.

The Terms of Reference of this Commission encouraged it to look into the most effective means of responding to "deficiencies in employment practices" since "the measures taken by Canadian employers to increase the employability and productivity of women, native people, disabled persons and visible minorities have as yet not resulted in nearly enough change in the employment practices which have the unintended effect of screening a disproportionate number of those persons out of opportunities for hiring and promotion".

The Terms of Reference also referred to the government's "obligation to provide leadership in ensuring the equitable and rational management of human resources within its organizations". Eleven crown corporations were singled out for particular study.

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[2] Canada. House of Commons. *Obstacles*. Report of the Special Committee on the Disabled and the Handicapped. February, 1981.

In the cross-Canada meetings conducted by the Commission, much concern was expressed by the designated groups over the apparently restrictive focus of the mandate on crown corporations. Other studies had shown that the problems were far more generalized and not exclusive to government corporations, agencies, and departments. In the face of intractable barriers throughout the marketplace, groups made it clear that they were deeply disappointed at the government's apparent unwillingness to tackle in a meaningful way the problems in the private sector. They felt the credibility of a government's commitment to equality was undermined by approaching the issue in a limited way rather than one sufficiently comprehensive to meet the demonstrated need.

Two facts in particular fuel this disappointment and skepticism. The first is that the federal government has forcefully intervened on behalf of the employment needs of francophones. This served as a direct example to the groups with whom the Commission met of a strong and effective political will. The government concluded rightly that francophones had been unfairly, and often arbitrarily, excluded from access to many of the opportunities available in Canada, and it took strong corrective measures. Fifteen years later, the positive results of this political intervention are apparent,[3] a message to Canadians that government is prepared to take remedial legislative measures to ensure equitable access to the distribution of the opportunities this country generates.

To the four designated groups from whom this Commission heard, the absence of similar political will and leadership with respect to their own exclusion from opportunities was the subject of much discussion. The fact that one group had been able to attract effective political action while others had only managed to attract repetitive research was both frustrating and inspiring as an example of the art of the politically possible. Their hope was that, as quickly as possible, they would be transformed from being objects in the political laboratory to being subjects of political action.

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[3] The proportion of francophones in 1982 in the federal public service was 26.8 per cent, a figure reflective of their proportion in the Canadian population. Canada. Public Service Commission of Canada. *Annual Report 1981*. Ottawa, 1982, p.28; Canada. Statistics Canada. Census of Canada 1981. *Population: Mother Tongue*. Catalogue No. 92-902 (Volume 1 - National Series). Ottawa, 1982, Table 1.

The second pertinent fact to which these groups referred was that the country to which Canada has the closest physical and cultural proximity has had for two decades an intensive program of affirmative action. What was striking to them was that the American government had, for 20 years, made genuine efforts to rectify obvious employment inequities in the private sector, while Canadians were still wondering whether to take any steps at all. To many, this inability or unwillingness in Canada to confront the problem was saddening; to others it was enraging. It is one thing to learn from any mistakes of the American experience; it is another to ignore the experience altogether.

These groups are beyond looking to the education of the public as a solution to their employment problems. They believe that the best way to educate the public is to expose it to the experience of working with qualified members of these groups, not hearing from or reading about them. Though the groups acknowledge that education and information are important parallel aspects in the process of destroying debilitating stereotypes, and are particularly concerned about the restrictive way they are portrayed by the media, they are not content to suffer personal economic disadvantage while waiting for the public to absorb and act upon this information. Education takes a long time to permeate through a culture and, in some cases, may never be effective in instilling a willingness to experiment with one's own opinions and expectations. The economic needs of members of these groups are immediate. Measures to address these needs must also address their immediacy.

For all of the generalities it is possible to formulate about the consistency of their concern across Canada, it is important to stress that there is no such thing as a group speaking with a single voice on every issue. This is important particularly from a policy point of view. If one is searching for solutions based on a homogeneous ideology that can be attributed to particular groups, then one is imposing an obligation on these groups not imposed on white able-bodied males. There has never been, nor would there ever be, a serious suggestion that all white males speak or ought to speak with a single voice about any given social issue.

To expect, then, that all women, native people, disabled persons, or visible minorities would articulate a universally adopted proposition as a group is unrealistic and unfair. There are certainly issues about which some members of each group feel strongly, and there are some issues about which one can say there seems to be a consensus. But for government to refuse to act on a suggested course because it cannot command consensus either from a group or from the public generally is to shirk from a major government responsibility to provide leadership in rectifying injustices. Some policy issues simply defy consensus.

It is to government we turn for the broad overall assessment. It is to government we turn for a decision about whether or not the problem requires intervention and, if so, the form and extent of this intervention.

Yet for all their differences, the one issue about which there was general agreement among the groups was the need for strong government measures to ensure equality in employment.

There was concern expressed at many meetings about the government's selection of the four groups to be studied. Some individuals found the groupings insulting; others, even when they acknowledged the political rationale behind the groupings, found them nonetheless inappropriate. Their economic histories are different, their social and cultural contexts are different, their concerns are different, and the particular solutions required by each group are widely disparate. Some therefore felt that it minimized the significance of each of their unique concerns to be combined with three other groups.

This concern also derived from a sense that they would be competing for opportunities with the other groups rather than with the general community. Some felt that the suggestion that they all be examined together assumed that the four groups combined were entitled to only one slice of the economic pie. They resisted vigorously the notion that they are a fringe rather than an integral part of the community. Each group wanted to be perceived as having the right to access to the whole pie.

What follows is a consideration of the issues arising from the observations of the various groups. The issues concentrate on the observations members of these groups have about the way they are perceived by others. These collective perceptions were expressed as being determinatively inhibiting in defining the extent to which individuals felt they could maximize their employment opportunities.

These groups acknowledged that their self-perceptions were among the inhibiting barriers. They felt, however, that much of their personally inhibiting diffidence derived from a history of exclusion and undervaluation and should not be used as a scapegoat for the discrimination they face from others.

A number of articulated employment barriers were common to all groups: insufficient or inappropriate education and training facilities; inadequate information systems about training and employment opportunities; limited financial and personal support systems; short-sighted or insensitive government employment counsellors; employers' restrictive recruitment, hiring, and promotion practices; and discriminatory assumptions.

Every study relevant to these groups in the past five years has urged the implementation of some form of interventionist measures to assist them in the competition for employment opportunities, yet in response only peripheral adjustments to the system have been made. The progress for these groups has ranged from negligible to slow, yet there is an unexplained apparent reluctance on the part of governments to address squarely the conclusions of their own research.

### Women

According to 1982 data, about 52 per cent of Canadian women are in the paid labour force. They constitute 41 per cent of the workforce. Year after year, women make the case for better child-care facilities, equal pay for work of equal value, equitable benefits, equal employment opportunities, unbiased educational options, and an end to job segregation. Year after year, they are told by governments that measures are being looked into and solutions being devised. Every year, progress is largely chimerical. The lack of progress results in a perpetuation of losses that become increasingly irreversible.

Many women from whom the Commission heard were incredulous about their having been effectively excluded from so many opportunities over so long a period of time. Moreover, they resent the attribution of stridency when, in their frustration, they reiterate with vigour how intolerable is the failure of society as a whole, governments in general, and institutions and individuals in particular to treat women as equals.

One of the major impediments to women having adequate employment opportunities, articulated by both women and employers, has to do with the education choices made by females. If these choices are based on an assumption by females that they need not seek paid employment, that their economic security will flow from a marriage, then clearly they will not address the issue of which educational options will provide them with better employment skills. Where they are interested, and most are, in seeking employment, they must participate in the full range of available educational opportunities. This will require dramatic changes in the school system.

For women interested in joining or rejoining the workforce later in life, training and educational opportunities must be made available so that they have a chance to work at the widest range of jobs. Nor should they be neglected in the wake of technological change. Every effort must be made to attempt to break the mold that results in job and economic segregation.

What precedes employment may be just as important as what occurs once employment is obtained. The cultural ambience from which men and women emerge affects what takes place in the workplace. How men and women perceive one another as spouses and how children perceive their parents both determine what happens to women in the workforce. If women are considered economic and social dependants in the home, they will continue to be treated as subservient in the workplace. If, on the other hand, they are perceived as social and economic equals in a partnership in the home, this will be translated into the practices of the workplace. Two issues must therefore be addressed simultaneously: the way women are perceived generally in society, and the employment practices that affect women in any given corporation.

The problem is one of assumptions, almost religiously held, about the role and ability of women in Canada. Many men and women seem unable to escape from the perceptual fallout of the tradition that expects women to behave dependently and supportively toward men.

The historic and legally sanctioned role of women in Canada has been as homemaker. For more than a century, in every province, the legal doctrines around marriage required that the legal personae of husband and wife merge into that of the husband. This obliterated the wife's identity as an independent legal entity. It also required, rather than permitted, the husband to be the breadwinner, resulting in the allocation of the homemaking function to the wife.

Only in the recent past have provinces begun to impose an equal obligation on husband and wife to be responsible for their own support. The right of one spouse to support from the other now flows mainly from economic need arising from the spousal relationship and its division of labour rather than from gender. Marriage is to be considered a partnership of social and economic equals, and the division of labour in marriage between breadwinner and homemaker is to be considered a division of two equally valuable contributions to this partnership.

Notwithstanding the existence of this legal requirement that no one gender should expect the other automatically to provide financial support, childcare, or household services, it will likely be generations before the impact of this newly sanctioned approach to marriage is reflected in society's other institutions. Nevertheless, it immediately requires courts to consider that although one spouse, usually the wife, remains at home, the homemaking contribution is to be considered equally valuable to the spousal relationship whether or not its efforts generate income. There is no longer an automatic division of household responsibilities based on gender in spousal relationships. The responsibilities of economic self-sufficiency and parenting are bilateral.

At the same time, it would be wrong to undervalue the role of homemaking and to ignore its economic contribution simply because it is not "employment" as it has been traditionally defined. Homemakers, who have made choices authorized by law and justified by their own spousal relationships, should not be penalized economically because the majority of women are now making different choices.

The essence of equality for women, now and in the future, is that in their options, which may or may not include the selection of a "traditional" role, they face no greater economic liability than would a man, and that in whatever "employment" environment they choose, they receive the same benefit for their contribution as would a man. Particular efforts must be made to provide the necessary human and financial supports to those women who, in the absence of a spouse's household assistance, hold two full-time jobs: one in the paid labour force and one unpaid as the spouse with the primary responsibility for homemaking functions.

A number of harmful consequences to women of traditional stereotypical assumptions must be addressed. The first involves an approach to the family that treats it as a single indivisible unit for policy purposes.[4] The family as a unit performs a private function for its individual members in providing intersecting emotional, social, and often financial services. As a carapace from external circumstances, it can be a source of comfort and protection. But beyond this sweeping and idealized generalization, it is a mistake to presume that there is a standardized social or economic formula governing the way families operate. The mistake tends to work to the detriment of both women and men, who are categorized as playing assigned roles.

Although women have the same right to work and stay home as do men, until the legal directive in modern family law that each spouse is responsible for his or her own support takes root and inspires routinely in young girls and women the realization that they themselves, no less than any future spouse, must be financially self-reliant, women will likely be the gender performing the homemaking responsibilities.

In 1982, there were more than 70,000 divorces granted in Canada; about one in every three marriages now ends in divorce.[5] Census figures show that the number of single-parent families increased from 477,525 in 1971 to 714,005 in 1981. Eighty-five per cent of single-parent families in 1981 were headed by a woman, and Statistics Canada data show that three out of five female-headed families were living below the poverty line.[6] Women who have functioned primarily as homemakers may suffer enormously heavy economic penalties when their marriages unravel, and they should be assisted in the form of tax and pension measures as well as enforceable maintenance and support systems to help them resist poverty and achieve financial viability. When they apply for jobs, their homemaking and volunteer work should be considered legitimate work experience. If they work part-time, they should not bear the unfair financial brunt of a perception that part-time work is not serious work. They should be remunerated and receive benefits on a prorated basis with workers employed full-time.[7]

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[4] It has been suggested that "the ... important and underlying reason for the invisibility of unpaid work performed at home lies in the model of the patriarchal families which until recently was the major operative model for social policy purposes in Canada". Eichler, Margrit. "The Connection Between Paid and Unpaid Labour and Its Implication for Creating Equality for Women in Employment". Paper prepared for the Commission of Inquiry on Equality in Employment. March, 1984.

[5] Canada. Statistics Canada. *Marriages and Divorces, Vital Statistics, Volume II.* Catalogue No. 84-205. Ottawa, 1982; Canada. Economic Council of Canada. *On the Mend.* Twentieth Annual Review, 1983. Ottawa, 1983, p.90.

[6] Dulude, Louise. *Love, Marriage and Money... An Analysis of Financial Relations Between the Spouses.* Ottawa: Canadian Advisory Council on the Status of Women, 1984, p.28; Canada. Economic Council of Canada. *On the Mend. Ibid.*

But for all women, whether they work at home or in the paid labour force, it is crucial that they not be deemed for policy purposes as economic satellites of their partners. Tax laws, pension schemes, the public perception of parental responsibilities — all these need to be examined, and in some cases drastically revised, to confirm for women their status as independent individuals, to negate the perception of their dependency, and to discredit the assumption that they have a different range of options than men have.

Notwithstanding that there is an equal right to work, there is no avoiding certain biological imperatives. Women rather than men become pregnant. Children require care. An environment must therefore be created that permits the adequate care of children while also allowing the equal right of men and women to maximize their economic potential. This environment, however, is not possible if the public continues to assume that the primary responsibility for the care of children belongs to women. There is no mysterious chemistry that produces in one gender an enhanced ability either to raise children or to work at a paid job.

The care of children needs to be seen as a parental rather than a maternal responsibility. We are unfairly overburdening and restricting both men and women if we fail to base practices, employment and otherwise, on a policy of shared responsibility between men and women for the care of their children. Because responsibility for childcare used to be an exclusively maternal one, the greatest psychological pressure for the care of children is still felt by women. Childcare is thus a critical access route for women. Unless it is provided in adequate quality and quantity, the debate about the right to equal employment opportunity is academic for most women.

Failure of corporations to accommodate in any significant way the fact that women become pregnant and have children is a source of deep concern to women. Employees of both genders

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7. The Commission of Inquiry into Part-time Work recommended to the federal government that the Canada Labour Code, Part III (Labour Standards), be amended to ensure that part-time workers receive the same protection, rights, and benefits (on a prorated basis) as those now guaranteed to full-time workers. Seventy-two per cent of all part-time workers in 1981 were women. Canada. Department of Labour. *Part-time Work in Canada. Report of the Commission of Inquiry into Part-time Work.* Ottawa, 1983, p.145.

leave jobs for a variety of reasons and for various periods of time. Young men often hopscotch from one job to another as they pursue upward corporate mobility and expand their career opportunities. This is such a common feature of the corporate community that very little comment is heard about whether the corporate investment of time and resources in these young men has been wasted. Yet a great deal of resentment is articulated by business over the loss, usually temporary and for a period of less than four months, of a female employee who has had a baby.[8]

Many women find that their current or prospective status as a mother is a powerful factor on a hidden agenda affecting hiring and promotion practices. Some companies fear hiring young women who, though otherwise qualified, are potential childbearers. The prospect of maternity leave appears to inspire alarm in a way that training leaves, extended vacations, or even lengthy illnesses do not. This alarm is communicated throughout the female candidate pool and results in a form of psychological contraceptive blackmail. Women are often made to feel either that they should not have children or that, having had them and not wishing to offend the perception of career primacy, they should act as if they did not have them.

Employers should presume no more about what mothers can, should, or should not do, than they do about fathers. Employers must operate on the assumption that their male and female employees have the same family responsibilities. The classic corporate requirement of geographic mobility, for example, may be a burden to mothers seeking promotion, but it is probably also a burden to fathers who are called upon by companies with almost callous regularity to move from one community to another. It is ironic that only now are corporations beginning to re-examine this traditional career path, not because they have concluded that it is potentially harmful to the families of their employees, but because the men to whom these distant promotional opportunities are being offered are increasingly declining them out of consideration for a partner whose own career interests conflict with a change of residence.

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[8] Maternity leave provisions vary across Canada. Under most federal and provincial legislation, women are entitled to 17 or 18 weeks of maternity leave. Most jurisdictions also stipulate a qualification period. See, for example, the following statutes:

*Canada Labour Code*, R.S.C. 1970, C.L-1, as amended, ss.59.2-59.4;

Alberta *Employment Standards Act*, R.S.A. 1980, C.E-10.1, ss.59-67;

British Columbia *Employment Standards Act*, R.S.B.C. 1980, C.10, ss.51-56;

Manitoba *Employment Standards Act*, R.S.M. 1970, C.E-10, s.31.1;

New Brunswick *Minimum Employment Standards Act*, N.B.A. 1982, C.E-7.2, ss.9-11;

Newfoundland *Labour Standards Act*, N.S. 1977, C.52, ss.38-42;

Nova Scotia *Labour Standards Code*, S.N.S. 1972, C.10, as amended, s.56, 57;

Ontario *Employment Standards Act*, R.S.O. 1980, C.137, as amended, Part XI, ss.35-39;

Prince Edward Island *Labour Act*, S.P.E.I. 1974, C.L4, as amended, s.67.1, 67.2, 67.3, 67.4;

Quebec Regulation respecting Labour Standards, R.R.Q. 1981, C.N-1, R.3, ss.15-35;

Saskatchewan *Labour Standards Act*, R.S.S. 1978, C.L-1, Part IV, ss.23-29.

The Northwest Territories and the Yukon have no maternity leave legislation.

See also: Canada. Labour Canada. *Maternity and Child Care Leave in Canada*. Ottawa, 1983. This publication provides a detailed chart on page 37 of terms and conditions of maternity leave legislation in Canada. See also *Bliss v. Attorney General of Canada, [1979] 1 S.C.R. 183, affirming [1978] 1 F.C. 208.*

Most women work in the clerical, sales, and support services of any corporation. These are not only the lowest paying jobs, they also tend to be jobs limited in opportunities for promotion. Even where women perform managerial functions, as many secretaries do, they are not given credit for these responsibilities when candidates for promotion to management are sought. Nor do women get the same educational or training leaves in corporations as do men, and they are rarely selected by corporations for significant corporate policy task forces or committees. Women must train for, be hired in, and given opportunities for the full range of occupational categories in order to break out of the economically limiting job segregation they now experience. This means more than an occasional token appointment of a woman to a management position; it means the routine hiring of qualified women throughout the occupational layers of a workforce.

Their work, wherever they perform it, should be valued and remunerated no less differently than work done by men. There is no excuse for excluding paid domestic workers from the protection of human rights or employment legislation.[9] At the workplace, women should be free from sexual harassment. When sexual harassment

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[9] The following jurisdictions exempt paid domestic workers from this protection.

Alberta: *Individual Rights Protection Act*, R.S.A. 1980, C.I-2, s.9. Sections 7 and 8 (dealing with employment practices, applications, and advertisements with regard to employment) do not apply with respect to a domestic employed in a private home; *Labour Act*, R.S.A. 1980, C.L-1, s.2(2)(d). This Act does not apply to employees employed in domestic work in a private dwelling;

British Columbia: B.C. Reg 37/81, s.58(1)(d). The *Employment Standards Act* does not apply to sitters who are not domestics. Part 3 of the Act (dealing with hours of work and overtime) does not apply to domestics;

Manitoba: *Employment Standards Act*, R.S.M. 1970, C.E-110, s.2(1)(g)(iii) and (iii.1). This Act does not apply to a person employed in domestic service in a private family home and remunerated by a member of that family, where the person is not employed for more than 24 hours in a week by the same employer or where the person is employed as a sitter to attend primarily to the needs of a child or as a companion to an aged, infirm, or ill member of the household;

has been proven, women should have available an effective and early remedy.[10] They should be encouraged to qualify and apply for the widest range of jobs and careers, but where they choose to work in jobs traditionally held by women they should not, by virtue of working in a predominantly female occupation, be paid less than is paid for work that is no more valuable but is done predominantly by men.

Women should be encouraged to set up their own businesses and be assisted by banks and other lending institutions with no less serious consideration than that accorded men and no more onerous proof of their business potential than that required of men.

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New Brunswick: *Employment Standards Act*, N.B.A. 1982, C.E-7.2, s.5(b). Except with respect to s.39, 40 and 41, dealing with the employment of children, this Act does not apply to employment contracts for the provisions of domestic services;

Newfoundland: *Human Rights Act*, R.S.N. 1970, C.262, as amended, s.9(6)(b). The section on fair employment practices does not apply to an employer in respect of the employment of a live-in domestic; Newfoundland Reg. 303/82, s.8(2). The minimum wage for domestic service in a private home is less than for other workers;

Nova Scotia: *Human Rights Act*, S.N.S. 1969, C.11, s.8(4)(1). The section on discrimination in employment does not apply to a live-in domestic; N.S. Reg. 84/77 s.1(a). The minimum wage provisions do not apply to domestic servants in a private home;

Ontario: *Human Rights Code*, S.O. 1981, C.53, s.23(c). The right under section 4 (to equal treatment with respect to employment) does not apply where the primary duty of the employment is attending to the medical or personal needs of the employer or of an ill or infirm child, spouse, or relative of the employer; O. Reg. 283/80 sets out different minimum wage requirements for a domestic or nanny than for other employees;

Prince Edward Island: *Human Rights Act*, S.P.E.I. 1975, C.72, s.6(4)(a). The section on discrimination in employment does not apply to a live-in domestic;

Quebec: *Minimum Wage Act*, R.S.Q. 1977, C.S-1, s.2(b). The Act, dealing with wages, overtime, vacations, and employer-employee disputes, does not apply to household servants;

Saskatchewan: *Human Rights Code*, S.S. 1979, C.S-24.1, s.2(3). "Employee" does not include an employee employed in a private home or living in the home of his/her employer; Sask. Reg. 317/77. Section 17 of the regulation provides as follows:

> (1) Subject to (2), Parts I and II (dealing with hours of work and minimum wage) and ss 42-48 (dealing with laying off employees and means of payment of wages) of the Act do not apply to domestics in private homes.

10. In 1984, the *Canada Labour Code*, R.S.C. 1970, C.L-1, as amended, was further amended to prohibit sexual harassment as follows:

> Division V.9 Sexual Harassment
> 61.7 In this Division, "sexual harassment" means any conduct, comment, gesture or contact of a sexual nature
>
> (a) that is likely to cause offence or humiliation to any employee; or
>
> (b) that might, on reasonable grounds, be perceived by any employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.

At the heart of the problem is the perception of what mothers and women normally do — more accurately, what the majority of them used to do. Now, the majority no longer does. It is time to replace the fear and skepticism employers feel about whether women have the same commitment to their work as have men. They have. When this is understood and acted upon; when it is no longer a source of wonder that a woman has performed exceptionally well or a confirmation of prophetic hindsight when she has performed with mediocrity; when the appointment of a woman causes no more public or private anxiety over whether she is genuinely qualified than does the appointment of a man; when, for that matter, the appointment of a women is so routinely accepted that the gender of the appointee is not even discussed; when aptitudes are accepted as accruing to particular individuals rather than to particular genders; then — and only then — will we have achieved a form of gender equality. Women have the same range of temperaments, characteristics, and abilities as do men and society must stop pretending it is otherwise.

Unless concentrated attention is given to all of these issues, little will change. Human rights commissions must have the resources they need to fulfil their mandate; women must be encouraged by all political parties to play an equal and effective role both as candidates and as policy advisers;[11] the media must become more self-conscious about how they portray issues they consider "female"; businesses must be made to examine their practices to identify and eliminate barriers facing women; and the public must be taught to stop thinking in terms of how a particular gender ought to behave and to start thinking in terms of equal options. Until all these initiatives are undertaken, women and men will be less than they could otherwise be.

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61.8 Every employee is entitled to employment free of sexual harassment.

61.9 Every employer shall make every reasonable effort to ensure that no employee is subjected to sexual harassment.

Royal Assent was given on June 29, 1984. See also *Cherie Bell and Anna Korczak* v. *Ernest Ladas and The Flaming Steer Steak House Tavern Inc.* (1980), 1 C.H.R.R. D/155 (Ontario Board of Inquiry) and *Alistair MacBain v. The Canadian Human Rights Commission and Sidney N. Lederman, Wendy Robson, and Peter Cumming and Kristina Potapczyk* (1984), 5 C.H.R.R. D/2214 (Federal Court of Canada).

[11] The three major political parties had a total of 129 female candidates in the federal election of September, 1984, more than at any previous time. The New Democratic Party had 65 female candidates (compared to 33 in 1980); the Liberal Party 43 (compared to 23 in 1980); and the Conservative Party 21 (compared to 14 in 1980). Gcar, Carol. "Women and the Election". *Maclean's*, August 20, 1984, p.20.

## Native people

Native people in Canada include Status and non-Status Indians, Métis, and Inuit.

It is not new that their economic conditions are poor. Study after study has documented the facts. The unemployment rate of native people is more than twice that of other Canadians.[12] Those in the labour force are concentrated in low-paid, low-skill jobs. The average employment income in 1980 for native men was 60.2 per cent of the average income for non-native men; for native women it was 71.7 per cent of the average income for non-native women.[13]

Their economic plight has taken its inevitable toll on social conditions. Native people are angry over the disproportionate numbers of native people who drop out of school, who are in prison, who suffer ill-health, who die young, who commit suicide. They are saddened by the personal, communal, and cultural dislocation of their people.

Travelling across Canada and listening to their concerns, one can easily understand why they want self-determination. They are convinced that the situation under their own administration could hardly be worse. Notwithstanding efforts of numerous levels of government, native people do not have anything that begins to approximate equality in a country they inhabited before any others. They feel that the funding of an elaborate bureaucracy, ostensibly created for their benefit, would be more productively spent if directly allocated to their own administrative agencies. Many look to the settlement of land claims to release them from economic dependency.

The essence of the concerns expressed by native people was the need to participate in the decision-making process in areas that affect them. They are concerned that in all aspects of programming relating to native people — education, training, and social services — they are sometimes consulted but have no determinative say in the nature of the systems or institutions designed for their benefit.

Another major frustration is with the fragmentation of the system that delivers services to them. Not only are there three layers of government providing them with economic and social assistance pursuant to various statutes, there are a number of government agencies within every level. The result is that native people are often unaware of what programs exist or they spend so much time trying to find out what initiatives are available that their energy is deflected from more urgent needs.

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[12] Statistics Canada. Unpublished data from the 1981 Census.

[13] *Ibid.*

A good deal of discussion with the Commission revolved around the enormous amount of time spent in preparing grant applications rather than on delivering the service for which they seek funds. They complained, too, that the programs or projects tend to be short-term or of uncertain duration. The process of having to apply annually or regularly for funding keeps them in a position of constant dependency, unable to make long-range plans for their communities.

Generally, their sense is one of resistance to the paternalism they have felt from governments through the years. They want recognition of the integrity of their culture and want to be served in their own language by people who understand their particular concerns.

It is the perception of many native people that their lack of influence, the instability of funding, the fragmentation of government services, and the dearth of autonomy all undercut the development of a meaningful strategy to build the conditions of equality. One of the desired priorities in this strategy would be obtaining more funds and assistance for economic self-development. Although native people spent hours with this Commission discussing employment practices that tend to exclude native people, they stressed that ultimately economic self-sufficiency would make them better able to provide job opportunities for native people and develop the bargaining power necessary to realize the goals of their communities. They explained that they have difficulty getting credit from traditional lending institutions such as banks, and therefore find themselves in a position where, except for government assistance, they are unable to develop the economic structures to make them financially secure.

Many of their apprehensions are focused on an education system they feel is not accountable to the people it serves. There are insufficient numbers of native people teaching, resulting in an absence of role models for young children. Curricula in the public and high schools do not reflect the cultural differences of native persons, and therefore a sense of either alienation or unreality inhibits the development of the minds of children who are being taught about a world that often seems inhospitable or irrelevant to them.

There is an inadequate supply of relevant training programs. Training programs designed with insufficient input from native people often result in skills developed for jobs that are either unavailable or low-paying. Waiting lists are often as long as two years. There is a strong unmet demand for trades and technical training, as well as for basic literacy training and for upgrading and preparatory courses, such as basic job readiness. The lack of training programs specially designed for native people means that many existing programs are ineffective for them. Educational requirements for many of these training programs are felt to be unrealistically and inappropriately high and therefore arbitrarily exclude less educated native people from participating. They are concerned that they are being streamed into training for low-paid and low-skill jobs.

They find that subsidies provided for on-the-job training programs are not working well. Often when the subsidies terminate, so do the jobs. Subsidized training is inadequately linked to permanent employment.

For those native people living on reserves, or in rural and remote areas, the location of training programs or employment opportunities is a problem. Native people find that training courses tend to be too short to learn adequately the offered skills but too long for them to be comfortably away from families and communities. Transportation and communication costs are inadequate to allow visits home if the employment or training opportunity is far from the community.

Native women feel that they are doubly disadvantaged — on one level because they are women and on another level because they are native people. They feel that they are being constantly streamed into low-paying and irrelevant job opportunities.

For native women, particularly those living on reserves and in rural and remote areas, the lack of childcare acts as a barrier to training and employment opportunities. These women are also concerned that where childcare facilities do exist they tend not to be run by native people who can enhance the cultural environment found in the child's home.

Most Status Indian women with whom the Commission met complained bitterly about section 12(1)(b) of the Indian Act,[14] which causes them to lose their status if they marry a non-Indian male but does not similarly ostracize Indian men who marry non-Indian women. This section was declared to be discriminatory by the United Nations Human Rights Committee but has nonetheless still not been repealed.[15]

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[14] *Indian Act*, R.S.C. 1970, C.I-6, amended by C.10 (2nd Supp.) 1974-75-76, C.48 1978-79, C.11 1980-81-82-83, CC.47, 110.

Native people feel that governments have failed to use people in the native communities to provide training, counselling, and support services. Native organizations claim to have difficulty obtaining funding for programs designed and operated by and for native people.

Moreover, the government agencies that provide services to adult native people are generally staffed by non-native persons who are often unable to understand the needs of native persons. The most frequent use of native persons is made in the Outreach program, whose workers perform many of the same functions as do regular government employees but are employed on a year-to-year contract position, with no benefits or security. They are perceived by native people to be critical to the delivery of government-run services for native people. There is resentment that native Outreach workers are being paid at a lesser rate than government employees, most of whom are not native people.

Native people living in urban areas encounter numerous difficulties. For Status Indians, some of these difficulties stem from the fact that they are not entitled to benefits that accrue to them if they live on reserves. This limits their options and is a disincentive to seeking job opportunities off the reserves, even if job opportunities are severely limited on the reserves. Status Indians requested amendments to the tax system to soften the impact of living off the reserves.

Native people feel the need for support systems to counsel and assist them. Such support systems have been missing from training programs and employment situations.

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15. Pursuant to Article 28 of the *International Covenant on Civil and Political Rights*, a Human Rights Committee of 18 members was established. Under the Optional Protocol to this Covenant, the Human Rights Committee has the competence "...to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State party of any of the rights set forth in the Covenant".

Under Article 5(4) of the Optional Protocol concerning Communication No. R.6/24, in the case of *Sandra Lovelace* v. *Canada*, the Human Rights Committee on July 30, 1981, concluded that "...the facts of the present case, which establish that Sandra Lovelace has been denied the legal right to reside on the Tobique Reserve, disclose a breach by Canada of Article 27 of the Covenant". (*Canadian Human Rights Yearbook 1983*. Toronto, Carswell, 1983, pp.305-314.)

Some native people indicated that once they were hired by corporations, they were denied promotions. They feel the psychological burden of having to perform better than a non-native worker in a given job; if they do less well, they fear being perceived as paradigmatic of all native people.

Some also complained that corporations often transport southern, non-native workers to sites in northern and remote areas rather than hire native people who live in the area. Native people feel that they are an underutilized source of labour in the north and are tapped only for the lowest-paid and lowest-status jobs. They pointed out the successful experiments of a number of corporations that introduced flexible work patterns to accommodate cultural differences and needs.[16]

Native people acknowledged that programs to recruit and train them for the public service exist but criticized the lack of significant results. They find educational requirements for these programs unnecessarily high and opportunities few.

To monitor the effectiveness of employment practices in eradicating discriminatory barriers for native people, data should be collected by employers in each of four categories — Status Indian, non-Status Indian, Métis, and Inuit. The requirement to implement employment equity for native people would depend on the region of Canada and on the industry.

Native people need better housing, services, and medical care. The Indian people want the paternalistic Indian Act abolished; it controls who can belong to Indian bands, the administration of reserves and reserve lands and resources, the ownership of reserve lands, and education. Although they explained that these were not, strictly speaking, employment issues, they felt they were fundamental to their well-being. Poor social and economic conditions and the absence of control over or contribution to the basic decision-making processes have undermined their ability to avail themselves of educational and employment opportunities. Generally, they expressed a great deal of frustration, which is echoed in the report of the Special Parliamentary Committee on Indian Self-Government.[17]

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[16] A Surface Lease Agreement between the Government of Saskatchewan and Amok/Cluff Mining included the requirement that 50 per cent of all employees be "Northerners". The program has been extremely effective in increasing the participation rates for native people by adjusting to their lifestyle needs, providing on-the-job training, and permitting work alternate weeks, with the corporation providing air transportation.

The central issues for native people are their exclusion from relevant decision-making, the fragmented and uncoordinated programming, the problem of uncoordinated policy approaches, the absence of federal/provincial/municipal coordination of service delivery systems, and the constant sense that they are forever subject to the discretion of people who do not understand their culture. As much as any group, they complained of the proliferation of discussion and research, and of the absence of corresponding political action. They feel a sense of urgency that is intense — the human cost of their political and economic positions has been enormously and inexcusably high.

## Disabled Persons

Because the range of concerns among persons who are disabled varies with the nature of the disability, it is impossible to itemize every measure that must be taken to eliminate barriers for disabled persons.[18]

What is possible, however, is to suggest an overall approach from which certain consistent steps will inevitably flow. It is also possible to identify certain aspects of the approach that will require flexibility in order to accommodate the full range of disabilities.

The World Health Organization distinguishes among "impairment", "disability", and "handicap". An "impairment" embraces any disturbance of or interference with the normal structure and function of the body, including the systems of mental function.[19] Health and Welfare Canada statistics place the number of Canadians who have some form of mental or physical impairment at 5.5 million.[20]

"Disability", according to the World Health Organization, "is the loss or reduction of functional ability and activity" that results from an impairment.[21] In other words, an impairment does not necessarily produce a disability, a fact reflected in the Health and Welfare

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17. Canada. House of Commons. *Indian Self-Government in Canada*. Report of the Special Committee on Indian Self-Government. Ottawa, 1983.

18. *Supra*, footnote 2. The *Obstacles* report provides a summary of the specific measures necessary.

19. World Health Organization, Philip H.N. Wood, WHO/ICD9/REV. CONF/75.15.

20. Canada. Health and Welfare. *Disabled Persons in Canada*. Ottawa, 1981, p.7.

21. *Supra*, footnote 19.

Canada statistics estimating that fewer than half (2.3 million) of impaired Canadians can be termed disabled.[22]

A "handicap" is defined by the World Health Organization as the disadvantage that is consequent upon impairment and disability.[23]

The language of disability was very much a preoccupation of disabled persons across Canada. Many were particularly concerned because the language of disability often reinforces the perception of their incapacities rather than their capacities.

Persons with disabilities experience some limitation of their work functioning because of their physical or mental impairment. But the extent to which their disability affects their lives on a daily basis — that is, handicaps them — is very often determined by how society reacts to their disability. A disabled person need not be handicapped.[24]

The significance of these distinctions lies in the fact that we have tended to consider disabled persons as a uniformly incapacitated group of people. Disability may or may not lead to a handicap affecting employment.

It is therefore essential to develop an approach to the employment problems of disabled persons that treats disability as tangential to, rather than definitive of, the individual.

The issue must be examined from the point of view of the individual who has the disability rather than from the point of view of the assumptions of the employer. This is not to suggest that an employer's needs and concerns are not relevant; in fact, they may be critically so. But it is to suggest that the way one deals with this issue is first to determine whether or not the disabled person is qualified or qualifiable, and secondly to determine what measures are necessary to maximize the ability of a qualified disabled individual to perform the job for which he or she is being employed. The determination must be made individual by individual. Disabled persons do not expect to be hired for a job they cannot or could not be trained to do. What they are entitled to expect, however, is that wherever reasonably possible employers make adjustments to workplaces so that disabled persons are not handicapped in their ability to perform the job.

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[22] *Supra*, footnote 20, p.7.

[23] *Supra*, footnote 19.

[24] Rioux, Marcia. "Labelled Disabled and Wanting to Work". Paper prepared for the Commission of Inquiry on Equality in Employment. September, 1983.

What they assert is their right to join the economic mainstream and to have re-examined those employment systems and institutions that work against the achievement of this goal.

There are many aspects of the systems and policy measures designed for disabled persons that have not been thought through. Generally, the problems include the fragmentation of policies, the short-term nature of many of the programs, the lack of continuity in these programs where they do exist, the uncoordinated approach among the various levels of government and within each level of government, and the lack of information about what programs in fact exist.

The Commission was told that at Canada Employment Centres in several parts of the country there were information gaps because no individual was specifically assigned the responsibility of dealing with the programs and initiatives available for disabled persons. There were complaints, too, also expressed by members of the other designated groups, about insensitivity at these centres by counsellors, and about being streamed into low-paying, dead-end jobs.

Where training programs do exist, the waiting period is too lengthy and the programs inadequate or irrelevant. They rarely result in jobs. Many disabled persons feel they would benefit from more on-the-job training.

There is an overwhelming problem for disabled persons in the way welfare and disability pension systems operate in this country. Programs have been devised that operate as a disincentive rather than an inducement to entering the labour force. Most welfare and disability pension schemes under which disabled persons receive income require that they choose between the income from these schemes and from employment. The loss of a pension, for example, often results in the loss of medical and social support benefits. These may no longer be affordable once a disabled person is employed because the work opportunities available are often part-time and usually in poor-paying jobs. There is rarely enough income from these jobs to pay for the benefits formerly provided by welfare or disability pensions. This means as well that there is rarely enough money to pay for work-related expenses, such as transportation.

Moreover, welfare and disability pension schemes normally are set up so that an individual no longer getting the benefit of these schemes disqualifies herself or himself for a substantial period of time before becoming again eligible for these benefits. If a job does not work out for a disabled individual and he or she is again unemployed, there is the crucial problem of what the next source of income will be.

Unless these income systems are redesigned to take into account the financial reality disabled persons face, it is unreasonable to expect many disabled persons to risk economic security by seeking a job. When an individual has lived for years under the shadow of a public perception that he or she is incapable of functioning at the workplace in a meaningful way, that individual is likely to be insecure about having the ability to do so. The object of ameliorative programs, therefore, is to neutralize this insecurity, to encourage confidence, and to make the prospect of employment an economically and socially viable one.

The Commission was made aware of the formidable combination of a public perception that disabled persons have limited capacities and the uncertainty many disabled persons have about whether, in fact, they will be welcome and able to perform to maximum capacity in a work environment. More employment training must exist, and on-the-job support in the form of technical aids, personnel assistance, and a sensitized able-bodied workforce must all be offered to make employment possible for disabled persons. Transportation systems have to be devised to ensure that physical access to employment is possible, and buildings must be constructed or retrofitted to be physically accessible in all respects to disabled persons.

Concern was expressed that certain job requirements demand irrelevant qualifications which have the effect of excluding disabled people from employment opportunity. The problem of irrelevant job requirements affects all four designated groups. Job requirements that have a disparate impact on certain groups need to be analyzed to determine whether or not they are justified. Employment practices resulting in disparate impact are justifiable only if no reasonable alternative exists or if the practice is dictated by business necessity.

A related issue is the question of when an employer should be required to reasonably accommodate a disabled employee. Incentives must be given to employers to ensure that in those circumstances where accommodations should be made, it is economically feasible for the employer to make them. Amendments should be made to the Income Tax Act in order to permit employers to fully deduct these costs.

Although there was general agreement that wherever possible incentives should be provided to employers to accommodate people with disabilities, including tax deductions to retrofit premises, hire support personnel, and make available technical aids, there was also general agreement that wage subsidies were degrading.[25] Moreover, from a practical point of view, the majority of such job opportunities appeared to end with the termination of the wage subsidy.

But whether or not an employer continues the employment of an individual originally hired with the assistance of a wage subsidy, disabled individuals felt strongly that no employer should be subsidized to hire qualified people. They generally find that this is debilitating psychologically, and that it undermines their confidence in their qualifications. They feel there are other ways to assist employers in making job opportunities available that do not border so perilously close to charity.

Some disabled persons expressed the view that the classic definition of employment should be adjusted to take into account distinctions in individual qualifications. The traditional 40-hour, five-day work week, they felt, could easily be re-examined with a view to making adjustments to allow for expanded job opportunities for disabled persons. They pointed out, for example, that although they might be qualified for a particular job, their disability may make an eight-hour day physically impossible. They are, therefore, most anxious that such options as part-time employment and job sharing be available, provided that these options do not occupationally segregate disabled persons.

Most disabled people expressed concern about sheltered workshops — workplace and training facilities for more severely disabled persons.[26] The general feeling is that even though some severely disabled cannot be expected to work outside a uniquely designed and protective setting, there is no justification for their receiving less than the minimum wage in these settings.

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[25] See: Fudge, Derek, and Holmes, Patty. *Together for Social Change: Employing Disabled Canadians*. Ottawa: National Union of Provincial Government Employees and Coalition of Provincial Organizations of the Handicapped, 1983. This contains a critical evaluation of CEIC's Program for Employment Disadvantaged prepared by the Saskatchewan Voice of the Handicapped in October, 1982.

[26] In September, 1983, about 25,000 persons in Canada were involved in training, sheltered work, or activity centre services provided by workshops. Canadian Council of Rehabilitation and Work. Submission to the Commission of Inquiry on Equality in Employment. December, 1983, Appendix B.

There is the additional concern that not enough emphasis is placed on preparing these workers for and facilitating their entry into the general workforce. Sheltered workshops, where they exist, should provide job placement services so that a greater number of disabled persons who are trained in these facilities are able to enter the workforce. Workshops must be encouraged to seek opportunities for more relevant long-term work for disabled workers. There should be defined guidelines as to the duration, quality, and evaluation of training in sheltered workshop programs so that an individual's successful completion of the program may be determined.

Much concern was expressed that any mandatory system to increase the participation of the disabled should be designed in such a way that employers hire not only persons with permanent disabilities, but that there be additional effort made to find jobs for severely disabled persons.

For that reason, although human rights statutes should continue to protect people with as wide a range of disabilities as possible from discriminatory acts or systems, employment equity programs should concentrate on attempting to increase employment opportunities for those persons whose permanent or long-term disabilities seriously handicap them in access to employment opportunities. Disabled persons should be defined for purposes of an employer's obligation to collect data under employment equity legislation as those persons whose general access to employment opportunities has been or has appeared to have been limited by the existence of a permanent or long-term disability. Because of the individualized approach employers must take in eliminating employment barriers for the different impairments a disabled employee may have, the emphasis in monitoring the success of employment equity systems for disabled persons should be less quantitative or data-oriented. Disabled persons are so heterogeneous a group that each disability requires accommodation in a different way. This makes any emphasis on numerical change potentially unfair both to the disabled employee and to the employer.

In almost every case, disabled persons stressed that the identification of any limitation they may have should be made by the individual candidate for employment rather than the employer. They wish not to be stereotyped by the potential or actual employer's perception of what their capacities are. They are most concerned that any data collection system be based on self-identification. There is some fear that many employers have such entrenched views of certain disabilities, whether or not the disabilities are apparent, that the disclosure of a disability could well act as a determinative factor in employers deciding not to hire or promote someone who is qualified. Disabled persons can be counted on no less than able-bodied candidates to screen themselves out of unsuitable job prospects.

There is need, therefore, for restricted and careful use of medical examinations as a pre-employment selection process to ensure that these examinations form only part of a bona fide occupational requirement and do not result in an arbitrary exclusion from employment.

One of the main problems both employers and potential employees discussed was the lack of an information network that would allow disabled persons to become aware of the existence of jobs and, at the same time, would inform employers about qualified or qualifiable disabled candidates for employment. It is of limited benefit to disabled groups to think in terms of mandatory measures unless a network is established to communicate to potential employees the existence of job possibilities. The method and system currently in place at Canada Employment Centres is seen as inadequate for these purposes by both employees and employers. The system must be redesigned to accommodate the fact that some disabled persons cannot easily perform the registration and reporting requirements. More reliance should be placed on local consumer and voluntary organizations acting as communications brokers for disabled persons, supported by appropriate funding.

Like the other groups, disabled persons were concerned about not having significant input into the decision-making process. This means that programs are designed, educational systems developed, job opportunities created, and accessibility issues addressed without a major role being given to the people most directly affected. This has resulted, they say, in some duplication, a waste of resources, and the creation of irrelevant and inadequate systems and methodology.

One of the problems is the divided governmental jurisdictions over the delivery of services. It is difficult at present to isolate and identify pressure points and to monitor consistency of quality. Confusion results, calling for a more integrated approach and for an effective strategy by which to inform disabled persons about what services are available.

The importance of outreach programs and of volunteer advocacy organizations for disabled persons was emphasized in every part of Canada by people who felt that often, in the miasma of governmental interplay, the only responsive parts of the system were those connected with the volunteer organizations. A plea was made strongly, therefore, that these volunteer organizations receive the necessary resources to perform their complementary functions as advisers, counsellors, and supports to disabled persons and as communicators of government programs and policies.

For disabled persons, as for other individuals, two stages in employment equality are called for. The first stage is the preparation for their eligibility to compete fairly and equally for jobs — qualifying the qualifiable candidate for employment. In the education of the disabled child, for instance, the child should be made to feel that he or she is an equal social participant, with access to whatever services and systems exist for the general public.

The second stage is in preparing the work environment itself, where the effectiveness of the disabled person's performance may be determined by the extent to which the disability is either ignored, accommodated, or over-emphasized.

This emphasis on integration should be carried into an examination of which institutions are properly providing the care disabled persons need and which are unfairly isolating them from general opportunities. In addition, the public should be educated against making stereotypical judgements about disabled persons which prevent them from gaining access to those things to which they are otherwise entitled. The best education is the employment of a qualified disabled person who can, by doing the job, teach able-bodied fellow employees and employers that what was thought impossible is not only possible but inevitable.

It is not just the opportunity of becoming employed that is at issue, it is the opportunity, once employed, of being able to move through a corporation with the same facility as would any other employee with a disabled individual's qualifications. The danger for members of any of the designated groups is that, once hired, there will be an assumption by employers that the responsibility has been discharged and that promotion, training, or other corporate opportunities will be denied for the same reasons that original employment itself might have been denied. The stereotypes must be confronted not only at the point of entry to the corporation, but throughout its systems and practices and at every level. There should be a presumption in favour of a "duty of reasonable accommodation" so that employment barriers are eliminated and access to the fullest range of employment opportunities is available.

## Visible Minorities

Visible minorities were defined by this Commission for purposes of the questionnaire requesting data from the designated crown corporations as "non-whites". It is undoubtedly possible to define this category by country of origin, by race, or by some other criterion, but arguably it is as reasonable to approach this ambiguous categorization from the point of view of what problem was meant to be addressed. The issue was to attempt to ascertain the extent to which people who were visibly non-white were excluded thereby from employment opportunities available to whites.

It is by no means a definitive approach. Some non-whites face more serious employment barriers than others. Although it is unquestionably true that many non-whites face employment discrimination, the degree to which different minorities suffer employment and economic disadvantages varies significantly by group and by region. To combine all non-whites together as visible minorities for the purpose of devising systems to improve their equitable participation, without making distinctions to assist those groups in particular need, may deflect attention from where the problems are greatest. In devising ameliorative programs, therefore, the emphasis should be on concentrating efforts on those minorities in those regions where the need has been demonstrated. At present, data available from Statistics Canada are not sufficiently refined by race or region as to occupational segregation, income levels, job promotions, or other indicators of disadvantage to make determinative judgements as to which visible minorities appear *not* to be in need of employment equity programs. Any such exclusionary judgements should be made not only on the basis of better data, but also on the basis as well of consultations with the relevant minorities.

The Census should collect as much detail on group affiliation as possible, including data on race, in order that the rate of improvement for those most seriously disadvantaged can be monitored.

Focusing on visible minority groups through employment equity programs does not relieve society of the responsibility to eradicate discrimination for all minority groups. It does not cancel the duty to provide for immigrants adequate language and skill training, bias-free mechanisms for determining the validity of foreign credentials and experience, and vigilant regard for whether employers are unreasonably making Canadian experience a job requirement. Nor does it absolve the school systems of their responsibility to ensure that minorities — visible or otherwise — are not being streamed routinely into certain types of courses. These are examples of the kind of measures that should be undertaken in any event to protect Canada's minorities from arbitrarily exclusionary systems.

Non-whites all across Canada complained of racism. They undeniably face discrimination, both overt and indirect.[27]

Those who had been in Canada for many years particularly attributed their lack of employment opportunities to discrimination. They were people with recognized qualifications and proven job skills who found, nonetheless, that they were simply not promoted or given the same opportunities as whites with similar qualifications.

More recent immigrants did not as readily identify the problem as one of prejudice. Their attention focused primarily on the weaknesses in the services and facilities established to integrate them into Canadian life.

In both groups there was a sense that in Canada there is little understanding of and only slightly more tolerance of other cultures, and that newly arrived immigrants have difficulty understanding the Canadian culture.

The problems for newly arrived immigrants are enormous. There is little information given to them prior to their emigrating to prepare them for living in Canada, and they often arrive completely unfamiliar with Canadian life and institutions.

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[27] These complaints are echoed in *Equality Now!* Report of the Special Committee on Participation of Visible Minorities in Canadian Society. Ottawa, 1984.

This has critical implications in employment contexts. In the interviewing process, for example, people are often hired on the basis of, among other things, an interviewer's perception of their ability to integrate easily into a given labour force. This may not be relevant either to the candidate's actual ability to integrate or to his or her qualifications.

Consistently across Canada the Commission heard that the language training an immigrant receives upon arrival is inadequate. The training tends to be too short; it tends to be English or French immersion which, for many immigrants, is an impossible pedagogical style; it is usually not taught by someone who speaks their own language; and it rarely provides instruction sufficient for them to be able to communicate with any degree of fluency. Moreover, an individual almost never receives language training in his or her own skill or profession. The absence of technical language training practically guarantees that the immigrant's job opportunities are severely restricted and that whatever qualifications he or she brought to this country will be underutilized.

Not only was the language instruction itself deemed to be a problem, the fact that full-time programs are offered mainly to persons expected immediately to enter the paid labour force means that some immigrant women learn little or no English. If they subsequently join the paid workforce, their lack of language skills means that they are reduced to applying for low-paying, ghettoized jobs with little prospect of economic advancement. They are ripe for exploitation.

Immigrant women are disadvantaged, too, by the lack of adequate childcare facilities. Without access to childcare, some immigrant women who want to work cannot and many are unable to take language or training courses even when these courses are available.

A further difficulty is created by the absence of language training as an alternative to, or in conjunction with, employment opportunities. It is difficult to learn a language while employed. Once an immigrant has entered the labour force there is no financial assistance available for him or her to stop work temporarily, either to complete language training or to learn the language of his or her own profession or skill. Very little on-the-job language training exists, a system that would be exceptionally helpful to people anxious to integrate and contribute economically as quickly as possible. The result for many immigrants is that they tend to be locked into whatever jobs they obtain when they first arrive.

Immigrants expressed anxieties as well over the sponsorship systems, which exclude sponsored immigrants from certain benefits while taking language training. For many, this results in their inability to take advantage of training or language programs, thus excluding them from many opportunities otherwise open to other immigrants.

Many immigrants find, too, that when they apply for employment they are told that the job requires Canadian experience, an impossible qualification for recently arrived immigrants. Often the requirement has no objective relevance to the proper performance of the job.

The problem of professional or career credentials from other countries is a serious one for many who try without success to find ways of satisfying an employer that their educational qualifications match those required to perform the job.

Many skilled and professional immigrants are frustrated by the absence of a mechanism to determine whether or not the professional qualifications they bring to this country qualify them to practise their profession in Canada or to determine what upgrading courses are necessary. The examinations and licencing requirements for many occupations and professions across Canada are prohibitively expensive. There is an additional problem of portability from province to province of professional qualifications.[28] A system of qualification and credential assessment should be available so that recent as well as prospective immigrants can be advised accurately about exactly what is necessary in order to qualify them to practise their professions. It is a waste of human and intellectual resources that these people are consistently underemployed for reasons that have less to do with their professional qualifications or qualifiability and more to do with the insularity of some professional organizations. Having been selected as immigrants to Canada, many on the strength of these very qualifications, it is unfair to put insurmountable impediments in the way of their practising the professions they may be qualified to practise. Standardized testing, as well as the elimination of requirements for Canadian citizenship in most jobs and professions, would do much to reduce these barriers.

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[28] Accreditation requirements vary significantly from province to province and from licencing body to licencing body. Generally, accreditation requires evaluation of education, training, work experience, and an examination by the licencing body. The scope of the information to be evaluated makes a determination of equivalency and right to accreditation difficult for both the applicant and the licencing body. Concerns about the accreditation process were reviewed in the *Report of the Ontario Professional Organizations Committee*, Ontario Ministry of the Attorney General, Toronto, 1980.

Training programs were generally seen to be inadequate both in quality and in quantity. The educational requirements for some programs were thought to be unreasonably high. Many individuals felt that they were being streamed into training that was irrelevant or inappropriate, or jobs that were low paying, despite their qualifications or interests.

Many members of visible minorities complained to the Commission of a lack of sensitivity among government counsellors, most of whom lack the language skills to be able to communicate with immigrants.

There was a suggestion that an effort be made by the federal government to impose consistency of quality and availability of programming through its cost-sharing agreements with the provinces by establishing guidelines for implementing federal education and training programs, on the basis of consultation with the provincial governments and with representatives of minority groups.

Generally, visible minorities feel that they have limited access to Canadian life, that their cultural and language differences tend to exclude them from job opportunities. Many feel that the only real opportunities they have are as self-employed business people, but that obtaining credit from lending institutions is unusually difficult for them.

Career mobility was stressed as a problem. Even when individuals from visible minority groups are hired for jobs, many find that after a certain point they are unable to move up through the corporation with the same ease as are whites.

They resent the absence of members of visible minority groups in key decision-making positions dealing with their needs. There are not enough individuals from minorities in counselling and service delivery positions. There is also an absence of adequate Outreach programs to assist minorities.

Paid domestic workers, an occupation in which visible minorities are heavily represented, are inexplicably excluded from employment and human rights legislation.[29]

Although members of visible minorities appreciate government assistance in the multiculturalism area, they tend to see this as government fostering cultural patterns but not dealing with the key issue of multiracialism or discrimination. What they want are strong government measures not only to enhance their cultural origins but also to enhance their ability to integrate economically, despite their cultural origins. Multiculturalism programs do little to assist in their economic integration or to confront racism.

There are few role models for visible minorities in key public positions and members of visible minorities are not widely portrayed in the media as being an integral part of the community.

The problem is essentially one of racism. Strong measures are therefore needed to remedy the impact of discriminatory attitudes and behaviour flowing from this problem.

What is clear is that many groups of people living in Canada despair about ever being able to avail themselves of the economic, political, or social opportunities that exist in this country. They increasingly experience a sense of futility. Nothing short of strong legislative measures is necessary to reverse, or at least inhibit, the degree to which members of visible minorities are unjustifiably excluded from the opportunity to compete as equals.

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[29] *Supra*, footnote 9.

## Labour Force Profile*

The most recent and comprehensive information on women, native people, and visible minorities is available from data collected through the 1981 Census of Canada. Additional information on women is available from the monthly Labour Force Survey and its supplements. Very little national data on disabled persons exist. Data on disabled persons gathered from a special supplement to the November, 1983, Labour Force Survey are not available for inclusion in this Report.

Census and survey data allow for an analysis of such characteristics of the designated groups as their labour force participation, their occupational and industrial distribution, and their earnings. Basically, such data describe the situation as it exists at the time of the survey or census. The available data confirm that the female labour force has a different occupational structure from the male labour force, that the native population is disadvantaged relative to the non-native population, and that different ethnic groups have integrated into the Canadian economy in different ways. Data do not, however, explain why these differences exist.

The labour force is defined officially as consisting of persons in the non-institutionalized population aged 15 and over who are either in paid employment or are unemployed and actively looking for work. As officially measured, the labour force does not include persons who want to work but, because they believe that work is not available, do not carry out an active search for work.

The monthly Labour Force Survey of 55,000 Canadian households provides continuing current estimates on the number of persons in the labour force by gender, age, and marital status; on the unemployment and participation rates; and on the occupational and industrial distribution of the labour force by broad categories, including data on hours worked, educational attainment, and other characteristics. However, the Labour Force Survey does not obtain data on immigrant status and ethnic origins.

The 1981 Census showed that as of June, 1981, the Canadian labour force consisted of just over 12 million persons, of whom about 7 million (59 per cent) were males and about 5 million (41 per cent) were females. The 1971 Census showed a labour force of nearly 9 million persons, of whom nearly 6 million (65 per cent) were males and about 3 million (35 per cent) were females. Thus in recent years the female labour force has shown a greater growth rate than the male labour force.

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* The statistical research and analysis in this section, except that dealing with disabled persons, were prepared for the Commission by Jenny Podoluk, former director general, Content and Analysis Branch, Statistics Canada.

The census also provides data on the ethnic composition of the population and the labour force. The relevant question on the 1981 Census was, "To which ethnic or cultural group did you or your ancestors belong on first coming to this country?" The question listed major ethnic groups, such as French, English, and Italian, as well as four categories of native people — Status Indians, non-Status Indians, Inuit, and Métis. Persons who were members of smaller ethnic groups were asked to write in a description of their ethnic or cultural origin. For example, about 78,000 labour force participants replied by writing in "Black", a figure that may represent only a portion of the black population in Canada. In the 1986 Census, "Black" has been added to the ethnic groups explicitly listed, and thus more accurate information on this group's labour force participation will be available.

The ethnic origins of the population reported on the 1981 Census were then classified by Statistics Canada into about 100 categories.

The reporting of multiple ethnic origins was accepted for the first time in the 1981 Census, making it possible for persons whose maternal and paternal origins differed to report these combinations. Despite the instructions, data on some of the minority groups suggest that some respondents may not have classified themselves very precisely as to their ethnic origins. Further, although multiple answers as to ethnic origin were accepted, about 93 per cent of the population reported only a single origin. This was also true of the population of labour force age. An examination shows that 95 per cent of the population classifying themselves as having multiple origins were partially of British, French, or other European origin (about 83 per cent reported French and/or English as one of their ethnic origins). Most of the analysis in this section is confined to those who classified themselves as belonging to a single ethnic category.

Table 1 presents a breakdown of the labour force by gender and by ethnic category; the latter breakdown was designed to provide as much information as possible on visible minorities. Although the Canadian labour force in 1981 was still overwhelmingly of British,

## Table 1

### Labour Force in June, 1981, by Gender and Broad Ethnic Categories* (in 000's)

| Ethnic Categories | Male | Female | Total** |
|---|---|---|---|
| British Isles | 2,867 | 2,007 | 4,874 |
| French | 1,874 | 1,237 | 3,112 |
| Other European | 1,642 | 1,057 | 2,699 |
| Indo-Pakistani | 61 | 39 | 100 |
| Indo-Chinese | 16 | 10 | 26 |
| Japanese | 14 | 10 | 24 |
| Korean | 6 | 5 | 11 |
| Chinese | 88 | 68 | 155 |
| Pacific Islands, including Philippines | 20 | 25 | 45 |
| Black | 39 | 39 | 78 |
| Native People | 75 | 48 | 123 |
| Central/South American | 5 | 6 | 10 |
| Other | 46 | 23 | 71 |
| Total Single Origin** | 6,755 | 4,574 | 11,329 |
| Total Multiple Origin | 400 | 325 | 725 |
| Total Labour Force** | 7,155 | 4,899 | 12,054 |

*Labour force participants reporting single ethnic origin.

**Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Unpublished data from the 1981 Census.

French, or other European origin, non-European groups are forming an increasingly significant element. About 5.7 per cent of labour force participants reporting a single ethnic origin reported an ethnic origin other than European.

Among the total population, about 413,000 persons reported themselves as native peoples; of these, 123,000 were labour force participants. Another 78,000 of the population reported themselves as having mixed native and other ancestry. These are classified for statistical purposes by Statistics Canada as native people.

No Labour Force Survey or 1981 Census data are available to indicate how many labour force participants may be disabled. As a result, neither the size nor the characteristics of this population can be accurately determined.

The Canada Health Survey, conducted jointly by Statistics Canada and Health and Welfare Canada during 1978 and 1979, provides the most recent national data on disabled persons.[30] The survey determined that there were 2.6 million non-institutionalized disabled persons resident in Canada in 1978 and 1979, of whom about 1.7 million were of working age.[31] No reliable figures are available on how many of these disabled persons are working, but it is estimated that the unemployment rate of employable disabled adults may be 50 per cent or more.[32]

The results of the November, 1983, Labour Force Survey, which collected detailed national data on disabled persons, are expected to be available late in 1984.

## CHARACTERISTICS OF THE MALE AND FEMALE LABOUR FORCES

An analysis of significant trends in the Canadian labour force of recent decades can be summarized as follows:

a) Canada had the fastest growing labour force of any country in the Western industrialized world.

b) In the early postwar years immigration may have been a significant factor, but in the past decade the growth has been the result of the entry of the baby boom generation into the labour market along with growth in the labour force participation of adult women. Women of all ages have accounted for the greater part of the labour force growth.

c) Until the 1970s, women's unemployment rates were below men's unemployment rates. From 1969 to 1981 inclusive, female unemployment rates exceeded male unemployment rates.

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[30] Canada. Health and Welfare. *The Health of Canadians: Report of the Canada Health Survey*. Ottawa, 1981.

[31] Fedyk, F.C. "Disabled Persons: The Health Characteristics of Persons with an Activity Limitation". Canada Health Survey 1978-79. Ottawa: Health and Welfare Canada, 1982, p.1. The Canada Health Survey covered the non-institutionalized Canadian population, excluding residents of the territories, Indian reserves, and remote areas as defined by the Labour Force Survey.

There are an estimated 247,000 disabled persons in Canada who reside in institutions. Medicus Canada. *Data Handbook on Disabled Persons in Canada*. Ottawa: Canada Mortgage and Housing Corporation, 1981, p.17. For recent Ontario data, see Ontario Manpower Commission. *Employment and the Physically Handicapped in Ontario*. Toronto: Ontario Ministry of Labour, 1982.

[32] *Supra*, footnote 2, p.31.

d) The occupational and industrial structure of the labour force has changed significantly and even greater re-structuring is forecast for the coming decades. Women, however, are still largely clustered in traditional "female" white-collar and service occupations.

e) To a limited extent the growth of the labour force, resulting from the influx of women and youth, was counterbalanced by a growing trend to early retirement and declining labour force participation among males 55 and over.

f) Although in some occupations some of the disparity in male-female earnings had narrowed, the 1981 Census data showed that women were substantially under-represented in high-income occupations and that generally their earnings were significantly below male earnings.

## LABOUR FORCE GROWTH BY GENDER, AGE, AND MARITAL STATUS

Between 1966 and 1982, the male labour force grew by 35.6 per cent, the female labour force by 119.4 per cent. That is, the male labour force increased during this 16-year period by more than one-third while the female labour force more than doubled. During this period about 1,835,000 men and 2,658,000 women entered the labour market.

Of the total labour force growth between 1966 and 1982, the composition by age and gender was: males under 25, 12.8 per cent; females under 25, 14.3 per cent; males 25 and over, 28.0 per cent; and females 25 and over, 44.9 per cent. As this distribution shows, the most significant factor in the growth of the labour force during those 16 years was the growth in the number of women aged 25 and over participating in the labour force.

An analysis of Tables 2 and 3 provides a capsule summary of trends.

Among men aged 25 to 54 there were no significant changes in labour force behaviour. More than 90 per cent were in the labour market, and this participation rate is close to 100 per cent for married men. However, single, divorced, and widowed males have exhibited a trend to diminishing labour force participation. A larger proportion of these males are outside the labour force in all age groups, and withdrawal from the labour market begins at an earlier age than is true for married males.

For males aged 55 to 64, a significant and growing proportion of men, including married men, do not work. A declining proportion of males aged 65 and over work, and these tend to consist, to a considerable extent, of self-employed males. Male labour force participation increases as males complete their education, peaks when males are 35 to 44, and then begins to decline.

Women have traditionally exhibited a different pattern. Highest labour force participation occurred when women first left school, and then declined when women married and left to raise children. Participation rose when children began school but never reached

**Table 2**

**Number in the Labour Force by Gender and Age and Participation Rates for Selected Years**

| | Age | 1966 | 1971 | 1976 | 1981 | 1982 |
|---|---|---|---|---|---|---|
| | | | | **Number (in 000's)** | | |
| Males | 15-24 | 1010 | 1222 | 1498 | 1673 | 1586 |
| | 25-54 | 3341 | 3629 | 4035 | 4457 | 4514 |
| | 55-64 | 629 | 701 | 703 | 755 | 759 |
| | 65+ | 179 | 150 | 133 | 134 | 136 |
| Total* | | 5159 | 5701 | 6369 | 7019 | 6994 |
| Females | 15-24 | 737 | 931 | 1244 | 1421 | 1380 |
| | 25-54 | 1235 | 1553 | 2233 | 2960 | 3064 |
| | 55-64 | 207 | 269 | 316 | 375 | 386 |
| | 65+ | 46 | 47 | 44 | 55 | 54 |
| Total* | | 2226 | 2800 | 3837 | 4811 | 4884 |
| | | | | **Participation Rate (%)** | | |
| Males | 15-24 | 64.1% | 62.7% | 67.9% | 72.5% | 69.5% |
| | 25-54 | 96.5 | 95.2 | 94.8 | 94.9 | 93.9 |
| | 55-64 | 86.1 | 83.3 | 76.7 | 75.1 | 73.7 |
| | 65+ | 26.2 | 20.0 | 16.0 | 14.0 | 13.8 |
| Total | | 79.8 | 77.3 | 77.6 | 78.3 | 76.9 |
| Females | 15-24 | 48.4 | 50.8 | 56.8 | 63.2 | 62.3 |
| | 25-54 | 36.9 | 43.1 | 52.1 | 62.7 | 63.5 |
| | 55-64 | 28.5 | 30.9 | 32.0 | 33.7 | 34.0 |
| | 65+ | 5.9 | 5.1 | 4.2 | 4.4 | 4.2 |
| Total | | 35.4 | 39.4 | 45.2 | 51.6 | 51.6 |

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Labour Force Surveys. Annual averages used.

## Table 3

### Participation Rates by Gender, Age, and Marital Status for Selected Years*

| MALES | 1966 | 1971 | 1976 | 1981 | 1982 |
|---|---|---|---|---|---|
| All Marital Status | | | | | |
| Total | 79.9% | 77.8% | 77.6% | 78.3% | 76.9% |
| 15-19 | 44.5 | 43.7 | 52.6 | 58.2 | 53.7 |
| 20-24 | 87.4 | 83.5 | 85.1 | 86.3 | 84.3 |
| 25-34 | 97.4 | 96.3 | 95.4 | 95.3 | 94.1 |
| 35-44 | 97.8 | 97.0 | 96.0 | 96.1 | 95.2 |
| 45-54 | 95.9 | 95.1 | 92.5 | 92.8 | 91.9 |
| 55-64 | 86.1 | 83.3 | 76.7 | 75.1 | 73.7 |
| 65+ | 26.2 | 20.0 | 16.0 | 14.0 | 13.8 |
| Married | | | | | |
| Total | 88.7 | 86.8 | 84.4 | 83.3 | 82.1 |
| 15-19 | 78.2 | 87.0 | 70.1 | 79.1 | 80.7 |
| 20-24 | 96.9 | 93.7 | 93.7 | 94.6 | 93.0 |
| 25-34 | 98.6 | 97.6 | 97.2 | 97.1 | 96.0 |
| 35-44 | 98.5 | 98.1 | 97.1 | 97.3 | 96.6 |
| 45-54 | 96.9 | 96.5 | 94.4 | 94.8 | 93.7 |
| 55-64 | 88.4 | 85.6 | 79.3 | 77.9 | 76.4 |
| 65+ | 29.7 | 22.0 | 17.5 | 15.2 | 15.2 |
| Single | | | | | |
| Total | 64.0 | 61.9 | 66.1 | 71.3 | 69.0 |
| 15-19 | 44.0 | 43.2 | 52.0 | 57.8 | 53.2 |
| 20-24 | 82.7 | 78.3 | 80.6 | 83.0 | 80.9 |
| 25-34 | 91.8 | 90.8 | 88.4 | 89.8 | 88.3 |
| 35-44 | 91.1 | 87.7 | 84.9 | 85.8 | 84.1 |
| 45-54 | 86.8 | 81.6 | 75.5 | 75.1 | 74.1 |
| 55-64 | 70.8 | 66.9 | 57.8 | 56.0 | 53.4 |
| 65+ | 23.6 | 19.7 | 14.9 | 14.7 | 13.1 |
| Other | | | | | |
| Total | 43.6 | 48.3 | 54.4 | 59.3 | 59.1 |
| 15-19 | — | — | — | — | — |
| 20-24 | 96.3 | 87.4 | 88.4 | 91.0 | 93.4 |
| 25-34 | 96.6 | 95.7 | 93.8 | 94.4 | 93.8 |
| 35-44 | 94.7 | 93.0 | 90.5 | 91.2 | 91.9 |
| 45-54 | 90.8 | 88.7 | 84.6 | 85.4 | 86.1 |
| 55-64 | 72.6 | 70.2 | 63.0 | 59.6 | 61.2 |
| 65+ | 13.8 | 12.1 | 9.9 | 8.2 | 7.8 |

## **Table 3** (continued)

### Participation Rates by Gender, Age, and Marital Status for Selected Years*

| FEMALES | 1966 | 1971 | 1976 | 1981 | 1982 |
|---|---|---|---|---|---|
| All Marital Status | | | | | |
| Total | 33.6% | 37.1% | 45.2% | 51.6% | 51.6% |
| 15-19 | 37.0 | 35.9 | 47.0 | 53.1 | 50.4 |
| 20-24 | 55.8 | 60.2 | 67.4 | 73.0 | 73.1 |
| 25-34 | 32.8 | 40.7 | 53.8 | 65.5 | 65.8 |
| 35-44 | 35.6 | 40.9 | 53.3 | 64.5 | 66.0 |
| 45-54 | 37.8 | 41.0 | 48.3 | 55.7 | 56.5 |
| 55-64 | 28.5 | 30.9 | 32.0 | 33.7 | 34.0 |
| 65+ | 5.9 | 5.1 | 4.2 | 4.4 | 4.2 |
| Married | | | | | |
| Total | 26.8 | 32.9 | 42.9 | 50.5 | 51.2 |
| 15-19 | 30.0 | 34.2 | 53.3 | 61.7 | 56.3 |
| 20-24 | 34.6 | 47.2 | 59.0 | 65.4 | 66.3 |
| 25-34 | 25.9 | 34.4 | 48.5 | 60.9 | 61.0 |
| 35-44 | 30.5 | 36.8 | 49.9 | 61.6 | 63.5 |
| 45-54 | 31.5 | 36.0 | 44.4 | 52.9 | 53.5 |
| 55-64 | 20.6 | 23.3 | 26.7 | 29.3 | 30.0 |
| 65+ | 3.6 | 3.8 | 3.3 | 3.6 | 4.2 |
| Single | | | | | |
| Total | 55.4 | 53.1 | 58.8 | 64.6 | 63.3 |
| 15-19 | 37.6 | 36.1 | 46.4 | 52.5 | 50.0 |
| 20-24 | 84.4 | 78.7 | 78.7 | 80.3 | 79.4 |
| 25-34 | 85.8 | 84.5 | 85.0 | 86.4 | 86.2 |
| 35-44 | 82.6 | 79.6 | 83.6 | 86.0 | 82.3 |
| 45-54 | 77.0 | 79.2 | 75.5 | 76.5 | 77.4 |
| 55-64 | 61.9 | 64.7 | 57.2 | 60.5 | 54.4 |
| 65+ | 17.8 | 14.5 | 10.9 | 12.3 | 10.3 |
| Other | | | | | |
| Total | 27.9 | 27.7 | 31.6 | 35.1 | 34.8 |
| 15-19 | — | — | — | — | — |
| 20-24 | 59.5 | 48.1 | 56.4 | 64.7 | 65.8 |
| 25-34 | 60.2 | 56.1 | 64.8 | 73.6 | 72.9 |
| 35-44 | 66.2 | 60.4 | 67.2 | 74.4 | 74.4 |
| 45-54 | 60.3 | 58.6 | 61.0 | 64.7 | 65.4 |
| 55-64 | 39.7 | 43.1 | 40.2 | 40.7 | 41.5 |
| 65+ | 5.7 | 4.4 | 3.6 | 3.7 | 3.1 |

*Substantial revisions were made to the Labour Force Survey in 1976. For historical continuity, some series from the previous Labour Force Surveys were revised for the years 1966 to 1975. However, the data for 1966 and 1971 in this table have not been revised.

—Indicates too few respondents for accurate analysis.

Source: Statistics Canada. Labour Force Surveys. Annual averages used.

the level of the early years.[33] This pattern has been largely shattered, and the female participation profile is now becoming similar to the male profile. The main difference is that the female labour force participation rate in the prime years is still lower than the male rate. For the age group 15 to 24, the female rate in 1966 was about 75 per cent of the male rate, while in 1982 it was 90 per cent. Further, although some decline occurs in female labour force participation between the ages of 25 and 34, and 35 and 44, the declines are not significant. In 1966, the participation rate of married women aged 20 to 24 was one-third higher than that of married women aged 25 to 34. By 1982, the rate was only nine per cent higher.

More than one-half of all married women under 55 work. Only in the age group of 55 to 64 are the majority of women not in the labour force. However, more than one-half of single women in this age group are in the labour force.

## LABOUR FORCE TRENDS

Table 4 summarizes female labour force trends in Canada over time compared with those of other member countries of the Organization for Economic Co-operation and Development. The expectation is that while little change will occur in Canada in male labour force participation, female labour force participation will continue to increase.

Canada has had to absorb a more rapidly growing labour force than other OECD countries. In 1960, Canada's female labour force participation rate was low relative to rates in such countries as the United States, Japan, and Sweden. By 1982, the Canadian rate was almost equal to that of the United States, and only Sweden reported a significantly higher rate than Canada and the United States.

If Canadian female labour force participation is compared with that in the United States by age group, the U.S. female labour force participation is higher in older age groups. For example, 61.6 per cent of women aged 45 to 54 worked in the United States in 1982, compared to 56.5 per cent in Canada. However, Canada has a proportionately younger female labour force than the United States, and the younger age groups are continually raising their participation rates. As younger female workers move through the labour

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[33] Ostry, Sylvia. *The Female Worker in Canada*. Ottawa: Dominion Bureau of Statistics, 1968, p.19.

## Table 4

## Female Labour Force Participation Rates in Selected OECD Countries, 1960-82

| Year | United States | Canada | Australia | Japan | France | Germany | Great Britain | Italy | Netherlands | Sweden |
|---|---|---|---|---|---|---|---|---|---|---|
| 1960 | 37.7 | (1) 30.1 | (2) | 52.7 | (3) 41.6 | 41.2 | 39.5 | 32.2 | (2) | (2) |
| 1961 | 38.1 | (1) 31.0 | (2) | 52.4 | (2) | 41.0 | 40.0 | 32.3 | (2) | 46.1 |
| 1962 | 37.9 | (1) 31.3 | (2) | 51.3 | (3) 41.3 | 40.7 | 40.3 | 31.4 | (2) | 47.1 |
| 1963 | 38.3 | (1) 31.9 | (2) | 50.0 | 39.5 | 40.7 | 40.7 | 29.6 | (2) | 47.5 |
| 1964 | 38.7 | (1) 32.9 | 33.8 | 49.3 | (3) 40.1 | 40.3 | 41.0 | 28.6 | (2) | 46.8 |
| 1965 | 39.3 | (1) 33.8 | 34.8 | 48.8 | [illegible] | 40.0 | 41.6 | 27.6 | (2) | 46.6 |
| 1966 | 40.3 | 35.4 | 36.3 | 49.2 | (3) 40.0 | 39.4 | 42.0 | 26.3 | (2) | 47.3 |
| 1967 | 41.1 | 36.5 | 37.8 | 49.6 | 39.5 | 38.4 | 41.8 | 26.4 | (2) | 46.8 |
| 1968 | 41.6 | 37.1 | 38.3 | 49.2 | 39.8 | 38.5 | 41.7 | 26.3 | (2) | 48.0 |
| 1969 | 42.7 | 38.0 | 39.0 | 48.8 | 39.9 | 38.5 | 41.8 | 26.4 | (2) | 48.8 |
| 1970 | 43.3 | 38.3 | 40.4 | 49.3 | 40.1 | 38.4 | 42.0 | 26.2 | (2) | 50.0 |
| 1971 | 43.4 | 39.4 | 41.0 | 47.7 | 39.8 | 38.5 | 42.5 | 26.1 | (2) | 50.9 |
| 1972 | 43.9 | 40.2 | 41.2 | 46.8 | 40.5 | 38.6 | 43.3 | 25.4 | (2) | 51.5 |
| 1973 | 44.7 | 41.9 | 42.4 | 47.3 | 41.0 | 38.9 | 45.0 | 25.9 | 27.4 | 51.7 |
| 1974 | 45.7 | 43.0 | 43.5 | 45.7 | 41.6 | 38.8 | 46.2 | 26.3 | (2) | 53.3 |
| 1975 | 46.3 | 44.4 | 44.5 | 44.8 | 42.5 | 38.4 | 46.7 | 26.6 | 28.0 | 55.2 |
| 1976 | 47.3 | 45.2 | 44.3 | 44.8 | 42.9 | 38.2 | 47.1 | 27.5 | (2) | 55.8 |
| 1977 | 48.4 | 46.0 | 44.8 | 45.7 | 44.2 | 37.8 | 47.5 | 28.6 | 28.8 | 56.7 |
| 1978 | 50.0 | 47.8 | 44.5 | 46.4 | 43.3 | 37.8 | 48.1 | 28.6 | (2) | 57.5 |
| 1979 | 50.9 | 48.9 | 44.3 | 46.6 | 44.3 | 37.9 | 48.4 | 29.2 | 30.2 | 58.5 |
| 1980 | 51.5 | 50.3 | 45.5 | 46.6 | 42.7 | 38.1 | 48.3 | 29.9 | (2) | 59.3 |
| 1981 | 52.1 | 51.6 | 45.5 | 46.7 | 43.1 | (4) 38.6 | (4) 48.1 | (4) 30.1 | (2) | (4) 60.3 |
| 1982 | 52.6 | 51.6 | (4) 45.4 | 47.0 |  |  |  | (2) | (2) | (4) 60.9 |

(1) Estimates by the U.S. Bureau of Labor Statistics based on new survey definitions. Statistics Canada revised the data for 1966 onward on the new survey basis.

(2) Not available.

(3) Data for October of 1960, 1962, 1964, and 1966. Data for all other years are for March.

(4) Preliminary estimate.

Note: Data relate to the civilian labour force approximating U.S. concepts as a per cent of the civilian, non-institutionalized, working-age population. Working age is defined as 16-year-olds and over in the United States, France, and Sweden; 15-year-olds and over in Australia, Canada, Germany, and Japan; and 14-year-olds and over in Italy. For Great Britain, the lower age limit was raised from 15 to 16 in 1973. For the Netherlands, the lower age limit was raised from 14 to 15 in 1975. The institutionalized working age population is included in Japan and Germany.

force, it is probable that by the latter part of this decade Canadian women will have the highest labour force participation rate among industrialized countries, with the possible exception of Sweden.

By 1982, 51.6 per cent of Canadian women were in the labour force. They constituted 41 per cent of the labour force, and by the end of the decade they may constitute nearly half.

## OCCUPATIONAL TRENDS

Table 5 presents the breakdown by gender of major occupations in 1981 and Table 6 shows the occupational trends for the Canadian male and female labour forces between 1971 and 1981. About eight per cent of respondents to the labour force section on the 1971 Census did not report an occupation. In the 1981 Census, the reporting of occupation improved; only a little more than three per cent of respondents did not report an occupation. Comparisons of 1971 and 1981 data are affected by those respondents who failed to report an occupation in the 1971 Census.

The male labour force is characterized by a heterogeneous occupational structure; no major occupational category is dominant. For males, professional and managerial occupations increased in importance both absolutely and relatively between 1971 and 1981. Teaching occupations, artistic and literary occupations, and blue-collar occupations, such as those in manufacturing and construction, also grew faster than average.

In 1981, as in 1971, women were concentrated in the clerical, sales, and service occupations. Although female participation in managerial and professional occupations appeared to be increasing in 1981, this is counterbalanced by a relative decline in participation in the semi-skilled and production occupations.

An examination of the detailed occupational structure of the labour force provides interesting data on the managerial and professional occupations, which showed the most growth in female employment. Women in managerial and administrative occupations tend to cluster in those areas of employment in which women tend to predominate. The most significant are administrative positions in teaching and managerial positions in financial administration, personnel, and sales. The largest number (about 20 per cent) of female management positions are in the areas of accounting, auditing, and other financial administration. Women are largely absent, however, in management positions in the natural sciences and engineering, purchasing and production, and in construction, transport, and communications. In all management occupations, female full-time workers reported substantially lower employment income than male full-time workers.

### Table 5

### Percentage Composition by Gender of Major Occupations, 1981

| | Male | Female |
|---|---|---|
| 1. Managerial, administrative, and related occupations | 75.1% | 24.9% |
| 2. Occupations in natural sciences, engineering, and mathematics | 85.9 | 14.1 |
| 3. Occupations in social sciences and related fields | 47.5 | 52.5 |
| 4. Occupations in religion | 73.5 | 26.5 |
| 5. Teaching and related occupations | 40.5 | 59.5 |
| 6. Occupations in medicine and health | 22.4 | 77.6 |
| 7. Artistic, literary, recreational, and related occupations | 60.2 | 39.8 |
| 8. Clerical and related occupations | 22.3 | 77.7 |
| 9. Sales occupations | 59.2 | 40.8 |
| 10. Service occupations | 47.7 | 52.3 |
| 11. Farming, horticultural, and animal husbandry occupations | 78.9 | 21.1 |
| 12. Fishing, hunting, trapping, and related occupations | 94.4 | 5.6 |
| 13. Forestry and logging occupations | 93.7 | 6.3 |
| 14. Mining and quarrying occupations | 97.8 | 2.2 |
| 15. Processing occupations | 77.8 | 22.2 |
| 16. Machining and related occupations | 93.2 | 6.8 |
| 17. Product fabricating, assembling, and repairing occupations | 75.6 | 24.4 |
| 18. Construction trade occupations | 98.0 | 2.0 |
| 19. Transport equipment operating occupations | 93.5 | 6.5 |
| 20. Materials handling and related occupations | 77.4 | 22.6 |
| 21. Other crafts and equipment operating occupations | 78.9 | 21.1 |
| 22. Occupations not elsewhere classified | 82.6 | 17.4 |
| 23. Occupations not stated | 57.4 | 42.6 |

Source: Statistics Canada. 1981 Census. *Labour Force — Occupation Trends*. Catalogue No. 92-920.

## Table 6

## Labour Force by Gender and Major Occupation, 1971 and 1981

| | Number | | % Distribution of Males in Labour Force | |
|---|---|---|---|---|
| MALES | 1971 | 1981 | 1971 | 1981 |
| 1. Managerial, administrative, and related occupations | 313,935 | 611,740 | 5.5% | 8.7% |
| 2. Occupations in natural sciences, engineering, and mathematics | 217,025 | 346,085 | 3.8 | 4.8 |
| 3. Occupations in social sciences and related fields | 49,525 | 89,565 | 0.9 | 1.3 |
| 4. Occupations in religion | 19,880 | 23,730 | 0.4 | 0.3 |
| 5. Teaching and related occupations | 138,175 | 198,235 | 2.4 | 2.8 |
| 6. Occupations in medicine and health | 83,865 | 116,125 | 1.5 | 1.6 |
| 7. Artistic, literary, recreational, and related occupations | 58,585 | 99,645 | 1.0 | 1.4 |
| 8. Clerical and related occupations | 433,385 | 488,075 | 7.6 | 6.8 |
| 9. Sales occupations | 567,985 | 678,860 | 10.0 | 9.5 |
| 10. Service occupations | 521,935 | 682,785 | 9.2 | 9.5 |
| 11. Farming, horticultural, and animal husbandry occupations | 405,305 | 401,130 | 7.1 | 5.6 |
| 12. Fishing, hunting, trapping, and related occupations | 25,655 | 37,590 | 0.5 | 0.5 |
| 13. Forestry and logging occupations | 65,850 | 76,430 | 1.2 | 1.1 |
| 14. Mining and quarrying occupations | 58,780 | 73,640 | 1.0 | 1.0 |
| 15. Processing occupations | 275,175 | 367,385 | 4.9 | 5.1 |
| 16. Machining and related occupations | 227,260 | 286,185 | 4.0 | 4.0 |
| 17. Product fabricating, assembling, repairing occupations | 484,140 | 703,590 | 8.5 | 9.8 |
| 18. Construction trade occupations | 563,435 | 754,280 | 9.9 | 10.5 |
| 19. Transport equipment operating occupations | 330,245 | 427,685 | 5.8 | 6.0 |
| 20. Materials handling and related occupations | 165,385 | 188,100 | 2.9 | 2.6 |
| 21. Other crafts and equipment operating occupations | 95,300 | 113,240 | 1.7 | 1.6 |
| 22. Occupations not elsewhere classified | 145,905 | 147,710 | 2.5 | 2.1 |
| 23. Occupations not stated | 417,995 | 240,415 | 7.4 | 3.4 |
| TOTAL* | 5,665,720 | 7,152,205 | 100.0 | 100.0 |

## Table 6 (continued)

## Labour Force by Gender and Major Occupation, 1971 and 1981

| | Number | | % Distribution of Females in Labour Force | |
|---|---|---|---|---|
| FEMALES | 1971 | 1981 | 1971 | 1981 |
| 1. Managerial, administrative, and related occupations | 58,310 | 202,295 | 2.0% | 4.2% |
| 2. Occupations in natural sciences, engineering, and mathematics | 17,105 | 56,880 | 0.6 | 1.2 |
| 3. Occupations in social sciences and related fields | 29,525 | 99,050 | 1.0 | 2.0 |
| 4. Occupations in religion | 3,710 | 8,545 | 0.1 | 0.2 |
| 5. Teaching and related occupations | 211,125 | 290,940 | 7.1 | 6.0 |
| 6. Occupations in medicine and health | 242,685 | 403,055 | 8.2 | 8.3 |
| 7. Artistic, literary, recreational, and related occupations | 21,895 | 65,815 | 0.7 | 1.4 |
| 8. Clerical and related occupations | 940,180 | 1,702,515 | 31.8 | 35.1 |
| 9. Sales occupations | 247,765 | 467,395 | 8.4 | 9.6 |
| 10. Service occupations | 447,985 | 748,260 | 15.2 | 15.4 |
| 11. Farming, horticultural, and animal husbandry occupations | 106,845 | 107,565 | 3.6 | 2.2 |
| 12. Fishing, hunting, trapping, and related occupations | 520 | 2,235 | — | — |
| 13. Forestry and logging occupations | 1,410 | 5,105 | — | 0.1 |
| 14. Mining and quarrying occupations | 375 | 1,625 | — | — |
| 15. Processing occupations | 59,560 | 104,610 | 2.0 | 2.2 |
| 16. Machining and related occupations | 13,675 | 20,900 | 0.5 | 0.4 |
| 17. Product fabricating, assembling, repairing occupations | 150,205 | 226,720 | 5.1 | 4.7 |
| 18. Construction trade occupations | 5,125 | 15,350 | 0.2 | 0.3 |
| 19. Transport equipment operating occupations | 8,190 | 29,650 | 0.3 | 0.6 |
| 20. Materials handling and related occupations | 40,455 | 55,040 | 1.4 | 1.1 |
| 21. Other crafts and equipment operating occupations | 13,545 | 30,240 | 0.5 | 0.6 |
| 22. Occupations not elsewhere classified | 21,730 | 31,050 | 0.7 | 0.6 |
| 23. Occupations not stated | 319,270 | 178,275 | 10.8 | 3.7 |
| TOTAL* | 2,961,210 | 4,853,120 | 100.0 | 100.0 |

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

—Indicates less than one-tenth of one per cent.

Source: Statistics Canada. 1981 Census. *Labour Force — Occupation Trends*. Catalogue No. 92-920. Table 6 data were obtained from a pre-publication tabulation, and minor differences occur between these data and those published.

Although the increase in the number of women in occupational categories containing professionals was significant, dissaggregation of the data shows that, to a considerable extent, this was accounted for by an increase in the number of women in support occupations, such as laboratory technicians. Only 15 per cent of professionals in occupations associated with the physical sciences were women. More than half of the women in occupations associated with the physical sciences were technicians, and about half of the women in occupations associated with the life sciences were also technicians. In contrast, only one-third of males in these occupations were in a technician category.

In engineering and architecture, women were barely represented, accounting for slightly under six per cent of these occupations (8,000 females and 135,000 males). The only branch of the engineering profession with 1,000 or more women was industrial engineering. The number of women working as mathematicians, statisticians, actuaries, and other related occupations was only 2,000. The situation was better in the computer-related occupations, such as systems analysis and computer programming, which showed the greatest growth in professional female occupations and one of the lowest male-female earning differentials.

Women were also better represented in the social sciences, such as economics and psychology, but only in social work and related occupations were the male-female numbers nearly equal and the earnings similar. Female lawyers and notaries increased from 785 in 1971 to 5,150 in 1981, constituting 15 per cent of that professional category. Women dominated numerically as librarians, though even in this professional occupation men earned more.

In the health occupations, women were primarily working in nursing. Fewer than 1,000 women were in dentistry (women accounted for less than 10 per cent of dentists) or the veterinary sciences. Although the number of female doctors increased from 3,000 in 1971 to nearly 7,000 in 1981, and significant increases occurred in the number of female pharmacists, female doctors were only 17 per cent of all doctors. Again, however, aside from nursing, women were in technician occupations, working as dental hygienists and laboratory technicians. About 64,000 females compared to 17,000 males worked as technicians in the health occupations.

There was a decline in the proportion of women working in processing and manufacturing occupations. The most significant female occupations in these unskilled or semi-skilled occupations are in baking or confectionary making, fish canning, fruit and vegetable canning, and other food processing occupations. Occupations associated with the textile industries also have a high female concentration. In the product fabricating, assembling, and repairing occupations, nearly two-thirds of the female labour force is employed in occupations associated with textile, fur, and leather products, overwhelmingly as sewing-machine operators.

To summarize, in 1981 women were still largely concentrated in the clerical, sales, and service occupations. Although their representation in the administrative and professional occupations had increased, they were concentrated in supportive occupations, such as those of technicians, and still constituted a small proportion of the professional occupations in the health, legal, and scientific occupations. They were equally under-represented in the natural sciences, such as engineering, and in blue-collar occupations. In the managerial occupations, their representation was strongest in those associated with large-scale, female, white-collar employment, such as personnel.

Table 7 shows the leading male and female occupations (those containing 50,000 or more workers of either gender). The leading male occupations accounted for about one-quarter of male employment and the leading female occupations for about one-half of female employment. Male occupations in which female participation was negligible were farming, construction, occupations such as foremen, and blue-collar occupations such as welders and electricians. White-collar occupations in which women were lightly represented were supervisors in sales occupations, commercial travellers, shipping and receiving clerks, and managerial occupations in sales and advertising, and this despite the fact that significant proportions of women work in white-collar jobs in sales and advertising.

The only occupations common in size to both genders were janitorial and other cleaning occupations, chefs and cooks, and teachers in secondary schools. However, it is interesting to note that while 75 per cent of kindergarten and elementary teachers are female, women account for only 42 per cent of secondary school teachers.

Certain occupations in 1981 were almost exclusively female — those of secretaries, stenographers, and typists. The advent of computerized office technology is creating a working environment in which men as well as women require typing skills for proficiency

## Table 7

## Leading Male Occupations (50,000 or more Male Workers), 1981

| | Males | Females | % Female | % Increase in Male Employment 1971-81 |
|---|---|---|---|---|
| | (in 000's) | | | |
| 1. Farmers | 206.5 | 19.6 | 8.7% | -8.8% |
| 2. Supervisors, sales occupations, commodities | 196.0 | 81.0 | 29.2 | -5.0 |
| 3. Janitors, charworkers, and cleaners | 138.2 | 96.7 | 41.2 | 20.9 |
| 4. Accountants, auditors, and other financial officers | 105.9 | 43.5 | 29.1 | 21.2 |
| 5. Commercial travellers | 94.2 | 11.2 | 10.6 | 78.9 |
| 6. Welding and flame-cutting occupations | 93.8 | 4.3 | 4.4 | 60.2 |
| 7. Foreman and other construction trade occupations | 80.3 | 1.2 | 1.5 | 42.4 |
| 8. Secondary school teachers | 79.6 | 58.1 | 42.2 | 29.1 |
| 9. Shipping and receiving clerks | 79.2 | 15.8 | 16.6 | 34.8 |
| 10. Chefs and cooks | 75.4 | 82.5 | 52.2 | 93.8 |
| 11. Occasional labourers | 73.9 | 1.5 | 2.0 | 33.6 |
| 12. Bookkeepers and accounting clerks | 73.5 | 332.3 | 81.9 | 12.4 |
| 13. Stock clerks and related occupations | 73.1 | 28.8 | 28.3 | 64.3 |
| 14. Guards and watchmen | 68.5 | 14.7 | 17.7 | 44.0 |
| 15. Sales and advertising managerial occupations | 63.6 | 12.6 | 16.5 | 429.4 |
| 16. Construction electricians and repairmen | 56.5 | .7 | 1.2 | 21.0 |
| 17. Nursery and related workers (farming) | 55.1 | 10.8 | 16.4 | 46.8 |
| 18. Agricultural workers | 54.1 | 40.2 | 42.6 | -50.2 |
| 19. Excavating, grading, and related occupations | 53.8 | .5 | .9 | 101.3 |
| 20. Policemen, detectives (government) | 52.9 | 2.3 | 4.2 | 38.2 |
| 21. Labouring occupations in service industry | 51.3 | 35.4 | 40.8 | 91.3 |

in computer utilization. Forecasts are, however, that the demand for other traditional secretarial skills will decline with office automation, and that job opportunities in these areas will shrink. Among the leading female occupations in 1981 was electronic data processing equipment operator, the fastest growing female occupation between 1971 and 1981. Women accounted for 80 per cent of this occupation.

## **Table 7** (continued)

## Leading Female Occupations (50,000 or more Female Workers), 1981

| | Females | Males | % Male | % Increase in Female Employment 1971-81 |
|---|---|---|---|---|
| | (in 000's) | | | |
| 1. Secretaries and stenographers | 368.0 | 4.0 | 1.1% | 53.5% |
| 2. Bookkeepers and accounting clerks | 332.3 | 73.5 | 18.1 | 143.6 |
| 3. Tellers and cashiers | 229.3 | 18.2 | 7.4 | 121.7 |
| 4. Waitresses, hostesses, and stewards, food and beverage | 200.7 | 33.5 | 14.3 | 90.4 |
| 5. Graduate nurses | 167.7 | 8.1 | 4.6 | 67.3 |
| 6. Elementary and kindergarten teachers | 139.6 | 34.1 | 19.6 | 16.2 |
| 7. General office clerks | 115.0 | 27.8 | 19.5 | 45.0 |
| 8. Typists and clerk typists | 103.0 | 2.2 | 2.1 | 21.3 |
| 9. Janitors, charworkers, and cleaners | 96.7 | 138.2 | 58.8 | 76.5 |
| 10. Sewing machine operators — textiles and similar materials | 93.0 | 5.1 | 5.2 | 62.2 |
| 11. Receptionists and information clerks | 89.0 | 5.1 | 5.4 | 109.5 |
| 12. Chefs and cooks | 82.5 | 75.4 | 47.8 | 110.0 |
| 13. Supervisors, sales occupations, commodities | 81.0 | 196.0 | 70.8 | 92.9 |
| 14. Nursing aides and orderlies | 67.8 | 17.9 | 20.9 | 28.5 |
| 15. Clerical and related occupations | 66.1 | 25.8 | 28.1 | 49.9 |
| 16. Electronic data processing equipment operators | 61.3 | 15.5 | 20.2 | 204.2 |
| 17. Secondary school teachers | 58.1 | 79.6 | 57.8 | 17.5 |
| 18. Barbers, hairdressers, and related occupations | 50.7 | 16.6 | 24.7 | 42.4 |

Source: Statistics Canada. 1981 Census. *Labour Force — Occupation Trends.* Catalogue No. 92-920.

On the other hand, the 1970s also opened employment opportunities in systems analysis, computer programming, and related occupations — jobs requiring higher levels of skills in the utilization of computers. But in 1981 women accounted for only 29 per cent of this occupational category. Thus, although computers have opened new employment opportunities for both men and women, the employment patterns of 1981 suggest that women in the computer field may be shifting into segregated, low-paying occupations.

Although the white-collar occupations are dominant among female occupations, other significant female occupations include waitressing, nursing, hairdressing, and house-cleaning occupations.

The only large blue-collar female occupation is that of sewing-machine operators in the textile industry. These jobs are normally not unionized and are poorly paid. They often attract immigrant women who have difficulty entering the Canadian labour market because of language difficulties and/or a lack of training for other employment.

## DISTRIBUTION BY INDUSTRY

As might be expected, female workers tend to be concentrated in those industries that generate the kind of jobs women have traditionally filled. Table 8 shows the composition by gender in 1981 of the major industrial sectors and Table 9 shows the distribution of the male and female labour forces by industry in 1971 and 1981.

An analysis of Table 9 shows that for males in 1981, two industry categories accounted for just over 40 per cent of male employment. The remaining male workers were dispersed through the other industrial categories. Employment in the manufacturing industries was most significant, followed by employment in the community, business, and personal service industries. The latter includes schools, universities, health services, amusement and recreation services, religious organizations, business management services, professional firms, personal services such as hairdressing and shoe repairs, hotels, motels, restaurants, and sundry repair services.

Women workers, on the other hand, were significantly clustered in the community, business, and personal service industries (42 per cent), with 18 per cent working in trade industries (primarily wholesale and retail trade businesses). Unpublished data on occupation by industry show that in trade industries, for example, 13.7 per cent of males but only 5.6 per cent of females were in managerial occupations. About 84 per cent of women in trade occupations occupied either clerical or sales positions, while only 45 per cent of males were in similar occupations. One-third of women in managerial, administrative, and related occupations were in the service industries, 19 per cent in trade industries, and 16 per cent in the finance, insurance, and real estate sectors. These three industrial sectors accounted for about two-thirds of the managerial and related positions occupied by women.

The other industrial sector that provided some significant employment to women in managerial positions was public administration, where 13 per cent of the women in managerial positions worked.

## Table 9

## Percentage Composition of Industry by Gender, 1981

| Industry | Males | Females |
|---|---|---|
| Agriculture | 75.6% | 24.4% |
| Forestry | 89.0 | 11.0 |
| Fishing and trapping | 90.5 | 9.5 |
| Mines, quarries, and oil wells | 86.0 | 14.0 |
| Manufacturing industries | 72.1 | 27.9 |
| Construction industry | 90.6 | 9.4 |
| Transportation, communication, and other utilities | 76.6 | 23.4 |
| Trade | 56.6 | 43.4 |
| Finance, insurance, and real estate | 39.0 | 61.0 |
| Community, business, and personal service industries | 39.7 | 60.3 |
| Public administration and defence | 63.0 | 37.0 |
| Unspecified or undefined | 56.4 | 43.6 |

Source: Statistics Canada. 1981 Census. *Industry by Labour Force and Work Activity.* Catalogue No. 92-924.

Among males in managerial and administrative occupations, the largest numbers work in service industries, followed by trade, manufacturing, and public administration. The two industrial sectors showing the highest ratio of women in managerial and administrative positions were a) trade and b) finance, insurance, and real estate, where women account for one-third of such occupations. In public administration, the ratio was approximately one-quarter. It is interesting to note that while female occupations in the natural sciences are largely in the service and public administration sectors, a significant proportion of males in these occupations work in the manufacturing (24 per cent) and the transportation and communication industries (11 per cent).

## MALE AND FEMALE EARNING DIFFERENTIALS

Over time, female earnings have invariably been substantially lower than male earnings. Female earnings as a percentage of male earnings for the full-time full-year labour force are shown in Table 10.

## Table 9

## Distribution of Labour Force by Gender and Industry, 1971 and 1981

| MALES | 1971 | 1981 | 1971 | 1981 |
|---|---|---|---|---|
| | (In 000's) | | % Distribution | |
| Agriculture | 369.6 | 364.0 | 6.5% | 5.1% |
| Forestry | 71.0 | 89.7 | 1.3 | 1.3 |
| Fishing and trapping | 24.5 | 33.4 | 0.4 | 0.5 |
| Mines, quarries, and oil wells | 129.7 | 180.6 | 2.3 | 2.6 |
| Manufacturing industries | 1302.6 | 1599.9 | 23.0 | 22.4 |
| Construction industry | 511.9 | 681.7 | 9.0 | 9.5 |
| Transportation, communication and other utilities | 557.1 | 716.3 | 9.8 | 10.0 |
| Trade | 803.1 | 1107.7 | 14.2 | 15.5 |
| Finance, insurance, and real estate | 173.8 | 242.3 | 3.1 | 3.4 |
| Community, business, and personal service industries | 865.3 | 1349.8 | 15.3 | 18.9 |
| Public administration and defence | 476.2 | 558.9 | 8.4 | 7.8 |
| Unspecified or undefined | 380.7 | 228.0 | 6.7 | 3.2 |
| TOTAL* | 5365.7 | 7152.2 | 100.0 | 100.0 |

| FEMALES | 1971 | 1981 | 1971 | 1981 |
|---|---|---|---|---|
| | (In 000's) | | % Distribution | |
| Agriculture | 111.6 | 117.3 | 3.7% | 2.4% |
| Forestry | 3.4 | 11.1 | 0.1 | 0.2 |
| Fishing and trapping | 0.9 | 3.5 | — | — |
| Mines, quarries, and oil wells | 9.4 | 29.5 | 0.3 | 0.6 |
| Manufacturing industries | 404.7 | 619.5 | 13.7 | 12.8 |
| Construction industry | 26.3 | 70.7 | 0.9 | 1.5 |
| Transportation, communication and other utilities | 114.0 | 219.2 | 3.8 | 4.5 |
| Trade | 466.2 | 849.8 | 15.7 | 17.5 |
| Finance, insurance, and real estate | 184.2 | 378.8 | 6.2 | 7.8 |
| Community, business, and personal service industries | 1176.0 | 2049.6 | 39.7 | 42.2 |
| Public administration and defence | 163.4 | 327.7 | 5.5 | 6.8 |
| Unspecified or undefined | 301.2 | 176.4 | 10.2 | 3.6 |
| TOTAL* | 2961.2 | 4853.1 | 100.0 | 100.0 |

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. 1981 Census. *Industry Trends*. Catalogue No. 92-925.

## Table 10

### Average Female Employment Income as a Percentage of Average Male Employment Income

| Year | % |
|---|---|
| 1971 | 60.5% |
| 1973 | 60.1 |
| 1975 | 61.0 |
| 1977 | 61.7 |
| 1979 | 63.3 |
| 1981 | 63.5 |
| 1982 | 63.9 |

Source: Statistics Canada. Surveys of Consumer Finances.

Census data have been released on average employment income. This is income earned either from wages or salaries or from self-employment by full-year workers (those working 49-52 weeks) working mostly full-time. Average male income in 1980 exceeded average female income in all occupations. Generally, the female average ranged from 60 to 75 per cent of the male average. In a few occupations, the female average was in the 80 to 90 per cent range. In 1982, according to Statistics Canada's Survey of Consumer Finances, male earnings were $25,096 and female earnings were $16,056, or 63.9 per cent of male earnings.

Table 11 summarizes the high-income occupations for men (those in which employment income averaged $30,000 or more) and the average employment income reported by women in these occupations. In total, 34 occupations generated an average of $30,000 or more for men.

High-income occupations with few women workers were: judges and magistrates, optometrists, osteopaths and chiropractors, pilots and navigators, petroleum engineers, mining engineers, chemical engineers, veterinarians, nuclear engineers, members of legislative bodies, and physicists. The only occupations in which women reported an average employment income exceeding $30,000 were physicians and surgeons and dentistry. The next highest-earning occupations for women were university teaching and administrative positions in teaching and related fields, in which women had substantially lower earnings than men.

## Table 11

## Occupations with the Highest Male Average Employment Income ($30,000 or more) in 1980 for Full-time Full-year (49-52 weeks) Male Workers and Number of Men and Women and Average Employment Income in these Occupations

| | MALES | | FEMALES | |
|---|---|---|---|---|
| | Number | $ Average Income | Number | $ Average Income |
| 1. Physicians and surgeons | 18,995 | $59,834 | 3,065 | $36,115 |
| 2. Dentists | 3,875 | 58,128 | 295 | 40,510 |
| 3. Judges and magistrates | 1,335 | 51,795 | — | — |
| 4. Salesmen and traders, securities | 6,385 | 46,718 | 1,575 | 18,375 |
| 5. General managers and other senior officials | 68,120 | 46,160 | 5,205 | 24,915 |
| 6. Optometrists | 920 | 42,256 | — | — |
| 7. Lawyers and notaries | 21,970 | 40,978 | 2,835 | 23,935 |
| 8. Other managers (mines and oil wells) | 2,280 | 40,506 | 555 | 19,303 |
| 9. Managerial occupations in natural sciences and engineering | 10,085 | 38,948 | 595 | 23,322 |
| 10. Osteopaths and chiropractors | 1,385 | 38,869 | — | — |
| 11. Pilots, navigators, and flight engineers | 5,325 | 37,125 | — | — |
| 12. Petroleum engineers | 3,035 | 36,882 | — | — |
| 13. University teachers | 22,340 | 35,944 | 4,905 | 26,585 |
| 14. Administrators in teaching and related fields | 16,345 | 35,434 | 4,450 | 25,772 |
| 15. Administrators in medicine and health | 4,620 | 34,339 | 4,310 | 23,832 |
| 16. Mining engineers | 2,240 | 33,980 | — | — |
| 17. Geologists | 4,325 | 33,728 | 315 | 21,207 |
| 18. Chemical engineers | 3,945 | 32,388 | — | — |
| 19. Architects and engineers | 5,050 | 32,188 | — | — |
| 20. Veterinarians | 2,210 | 32,173 | — | — |
| 21. Members of legislative bodies | 1,380 | 32,120 | — | — |
| 22. Nuclear engineers | 600 | 32,027 | — | — |
| 23. Government administrators | 17,030 | 31,655 | 3,600 | 21,846 |
| 24. Civil engineers | 23,775 | 31,311 | 440 | 24,201 |
| 25. Metallurgical engineers | 1,325 | 31,306 | — | — |
| 26. Health diagnostic and treating occupations | 860 | 31,269 | 910 | 16,339 |
| 27. Economists | 7,635 | 31,034 | 1,430 | 22,222 |
| 28. Organization and methods analysts | 6,190 | 31,032 | 1,565 | 21,109 |
| 29. Personnel—industrial relations managers | 15,945 | 30,844 | 5,115 | 20,746 |
| 30. Supervisors—sales occupations, services | 11,180 | 30,692 | 3,060 | 17,756 |
| 31. Physicists | 930 | 30,680 | — | — |
| 32. Managers—construction operations | 19,700 | 30,320 | 395 | 20,840 |
| 33. Managers—transportation and communication | 12,555 | 30,312 | 1,685 | 23,155 |
| 34. Financial management occupations | 40,240 | 30,039 | 10,765 | 18,635 |

— Indicates that either no women were in this category or that the estimated number of women was less than 250. Statistics Canada does not release data on earnings where the numbers in the occupations are less than 250.

Source: Statistics Canada. 1981 Census. *Worked in 1980 — Employment Income by Occupation*. Catalogue No. 92-930.

## EFFECT OF UNION MEMBERSHIP

Statistics Canada collects annual data on union membership by gender and by industry pursuant to the Corporations and Labour Unions Returns Act.[34] Between 1966 and 1981, the female labour force growth was 116 per cent and the female union membership growth was 203 per cent.

Table 12 shows the percentage of all workers who are unionized by industry, the number and the percentage of female union members, and the distribution of the female union membership by industry. Industries in which women are heavily concentrated, such as service, trade, and finance, are the least unionized.

The distribution column shows that 48 per cent of all female union members work in the service industries, 18 per cent in public administration, and 17 per cent in manufacturing. The remaining 17 per cent are scattered through other industries. Women constitute 64 per cent of all union members in the service industries, 35 per cent in public administration, and 19 per cent in manufacturing. Almost two-thirds of union members in the textile, knitting, and clothing industries are women, and 59 per cent in the leather manufacturing industries. There was also a significant proportion (between 25 and 42 per cent) in the food and beverage, tobacco, and electrical products industries.

Statistics Canada collected wage rate data in a special supplement to the Labour Force Survey in January, 1982. What was measured were the total number of jobs held in 1981, their wage rates, and whether or not the jobs were unionized.

On average, jobs occupied by men working full-time full-year in 1981 paid $9.83 per hour while those occupied by women paid $7.66, or 78 per cent of the male average. In unionized jobs, the average was $10.17 for those reported by males and $8.69 for those reported by females, or 85.4 per cent of male earnings. For both males and females, earnings in unionized jobs were higher than in non-unionized jobs, where the averages were $9.57 and $7.04 respectively. The differentials in earnings between unionized and non-unionized jobs were greater for those held by females than for those held by males.

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[34] *Corporations and Labour Unions Returns Act*, R.S.C. 1970, C.31, as amended by 1980-81-82-83, C.79 s.4.

## Table 12

## Per Cent of Workers Unionized by Industry, Number and Per Cent of Female Union Members, and Distribution of Female Union Membership, 1981

| Industry | Per Cent of Workers Unionized | Number of Women Union Members | Percentage of Women among Union Members | Distribution of Female Union Membership by Industry |
|---|---|---|---|---|
| Agriculture | 0.3% | 63 | 19.1% | — |
| Forestry | 56.2 | 492 | 1.7 | — |
| Fishing and trapping | 37.5 | 182 | 4.8 | — |
| Mines, quarries, and oil wells | 35.5 | 1,911 | 2.7 | 0.2% |
| Manufacturing | 44.4 | 168,496 | 19.3 | 17.2 |
| Food and beverages | | 32,325 | 24.6 | 3.3 |
| Tobacco | | 2,315 | 41.8 | 0.2 |
| Rubber | | 5,262 | 21.0 | 0.5 |
| Leather | | 5,673 | 58.8 | 0.6 |
| Textiles, knitting, and clothing | | 51,145 | 65.3 | 5.2 |
| Wood | | 4,108 | 7.4 | 0.4 |
| Furniture | | 2,745 | 19.4 | 0.3 |
| Paper | | 8,255 | 8.4 | 0.9 |
| Printing | | 7,122 | 21.3 | 0.7 |
| Primary metal | | 2,452 | 2.8 | 0.3 |
| Metal fabrication | | 6,273 | 9.8 | 0.7 |
| Machinery | | 1,734 | 5.6 | 0.2 |
| Transportation equipment | | 9,492 | 8.5 | 1.0 |
| Electrical products | | 18,908 | 32.2 | 1.9 |
| Non-metallic mineral products | | 3,261 | 10.7 | 0.3 |
| Petroleum and coal products | | 90 | 2.0 | — |
| Chemicals | | 2,299 | 11.6 | 0.2 |
| Miscellaneous | | 5,037 | 37.7 | 0.5 |
| Construction industry | 54.0 | 1,703 | 0.6 | 0.2 |
| Transportation, communication, and other utilities | 53.2 | 91,937 | 20.5 | 9.4 |
| Trade | 8.9 | 54,655 | 36.1 | 5.6 |
| Wholesale | | 3,059 | 12.2 | 0.4 |
| Retail | | 51,146 | 41.7 | 5.2 |
| Finance | 2.8 | 9,996 | 61.9 | 1.0 |
| Service industries | 25.6 | 470,696 | 63.8 | 48.1 |
| Public administration | 69.1 | 175,745 | 34.6 | 17.9 |
| Other | | 3,986 | 8.6 | 0.4 |
| TOTAL | | 979,862 | 31.0 | 100.0 |

— Indicates less than one-tenth of one per cent.

Source: Statistics Canada. *Corporations and Labour Unions Returns Act (Report for 1981, Part II—Labour Unions)*. Catalogue No. 71-202.

Almost 40 per cent of all male full-time jobs were unionized, while only 14.7 per cent of male part-time jobs were. The comparable figures for women were 29.2 per cent and 15.2 per cent. However, only 12.5 per cent of all jobs held by males in 1981 could be categorized as part-time, while 29.7 per cent of all jobs held by females could be so categorized. It must be noted that males aged 15 to 24 accounted for two-thirds of all male part-time employment, while females aged 25 and over accounted for 61 per cent of female part-time employment. Part-time female workers' wage rates were similar to those of male workers. Differentials were less than for full-time jobs.

Women are more highly unionized in the professional jobs in which they are concentrated, such as teaching and nursing. About 37 per cent of the unionized jobs held by women were filled by women who had earned a post-secondary certificate, diploma or degree, while only 21 per cent of males in unionized jobs had comparable qualifications.

In all industrial sectors in unionized jobs in which women worked full-year full-time, they earned less than males. The differential was least in two sectors: service (community, business, and personal services), where the female average was 87 per cent, and trade, where it was also 87 per cent. In public administration it was 84 per cent; in finance, insurance, and real estate, 73 per cent; in transportation and communication, 80 per cent; and in manufacturing, 72 per cent.

## UNEMPLOYMENT

Table 13 summarizes the unemployment rates by age category and by gender from 1966 to 1982. During the 1950s and most of the 1960s female unemployment rates were below male rates. In the late 1960s, female unemployment rates began to exceed male rates. Youth unemployment — that is, unemployment among the 15 to 24 age group — was, however, lower for females than males.

Since 1975, the unemployment rate of married women has been 50 to 100 per cent higher than the unemployment rate of married males. In the mid-1960s, women accounted for one-third of the unemployed; in 1982, they accounted for about 45 per cent.

## Table 13

## Unemployment Rates by Gender and by Age Categories

| | Males | | | Females | | |
|---|---|---|---|---|---|---|
| Year | 15-24 years | 25+ | All Males | 15-24 years | 25+ | All Females |
| 1966 | 6.3% | 2.6% | 3.3% | 4.8% | 2.7% | 3.4% |
| 1967 | 7.2 | 3.0 | 3.9 | 5.5 | 2.8 | 3.7 |
| 1968 | 8.7 | 3.5 | 4.6 | 6.5 | 3.3 | 4.4 |
| 1969 | 8.3 | 3.2 | 4.3 | 6.5 | 3.7 | 4.7 |
| 1970 | 11.2 | 4.1 | 5.6 | 8.6 | 4.4 | 5.8 |
| 1971 | 12.0 | 4.3 | 6.0 | 9.8 | 5.0 | 6.6 |
| 1972 | 11.9 | 4.1 | 5.8 | 9.6 | 5.7 | 7.0 |
| 1973 | 10.0 | 3.4 | 4.9 | 9.2 | 5.4 | 6.7 |
| 1974 | 9.6 | 3.3 | 4.8 | 8.9 | 5.1 | 6.4 |
| 1975 | 12.5 | 4.3 | 6.2 | 11.4 | 6.5 | 8.1 |
| 1976 | 13.3 | 4.2 | 6.3 | 12.1 | 6.6 | 8.4 |
| 1977 | 14.9 | 4.9 | 7.3 | 13.8 | 7.4 | 9.4 |
| 1978 | 15.1 | 5.2 | 7.6 | 13.9 | 7.7 | 9.6 |
| 1979 | 13.3 | 4.5 | 6.6 | 12.7 | 7.0 | 8.8 |
| 1980 | 13.8 | 4.8 | 6.9 | 12.7 | 6.5 | 8.4 |
| 1981 | 14.2 | 4.9 | 7.1 | 12.3 | 6.7 | 8.3 |
| 1982 | 21.1 | 8.1 | 11.1 | 16.1 | 8.8 | 10.8 |

Source: Statistics Canada. *Historical Labour Force Statistics.* Catalogue No. 71-201. Annual averages used.

In 1982 and 1983, for the first time in more than a decade, male unemployment rates slightly exceeded female rates. Table 14 presents the unemployment rates by gender and by selected occupations for 1982. Female rates exceeded male rates in the more traditionally female occupational sectors such as clerical, sales, and service. However, males experienced much higher unemployment rates in the predominantly male occupational categories such as forestry, mining, construction, and transportation equipment operation. Further, the declines in employment were concentrated in full-time jobs.

The Economic Council of Canada has pointed out that in 1975 one woman in nine worked on a part-time basis because she could not find a full-time position.[35] This situation changed dramatically during the 1981-82 recession, when one woman in four working part-time would have preferred a full-time job.[36] Part-time employment appears to represent another form of labour market segregation for women, who constitute 72 per cent of all part-time

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35. *Supra*, footnote 5, *On the Mend*, p.84.

36. *Ibid.*, p.84.

## Table 14

## Unemployment Rates by Gender and by Broad Occupations, 1982

| | Females | Males |
|---|---|---|
| Managerial, administrative | 5.1% | 3.0% |
| Natural sciences | 9.6 | 5.9 |
| Social sciences | 8.0 | 4.6 |
| Teaching | 5.1 | 2.8 |
| Medicine and health | 4.2 | — |
| Artistic and recreational | 10.8 | 9.9 |
| Clerical | 9.0 | 8.8 |
| Sales | 9.6 | 6.7 |
| Service | 13.1 | 12.0 |
| Agriculture | 7.9 | 7.7 |
| Fishing, hunting, and trapping | — | 10.7 |
| Forestry and logging | — | 34.9 |
| Mining and quarrying | — | 18.5 |
| Processing | 20.7 | 15.1 |
| Machining | 22.6 | 16.3 |
| Product fabricating and assembly | 18.1 | 11.7 |
| Construction trades | — | 19.1 |
| Transport, equipment operation | — | 12.3 |
| Materials handling | 18.9 | 18.0 |
| Other crafts and equipment operating | 6.4 | 7.4 |

— Indicates that the estimated number of unemployed persons in the occupation is statistically unreliable.
Source: Statistics Canada. Labour Force Surveys. Annual averages used.

workers.[37] Concern about this issue has been expressed by the Commission of Inquiry into Part-Time Work, which concluded that "...what the distribution of part-time workers across industries and occupations does show quite categorically is that part-time workers are markedly concentrated within a few industries, and that they have a limited range of occupations in comparison to the range of occupations of full-time workers".[38]

## LABOUR FORCE PARTICIPATION OF SELECTED GROUPS

The main source of data on the ethnic composition of the Canadian population is the census. The 1981 Census questionnaire asked the population surveyed to report: "To which ethnic or cul-

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[37] *Supra*, footnote 7, p.46.

[38] *Ibid.*, p.58.

## Table 15

## Individuals 15+ Who Worked in 1980 by Selected Ethnicity, Gender, and Province*
(in 000's)

| | | Canada** | Newfoundland | Prince Edward Island | Nova Scotia | New Brunswick |
|---|---|---|---|---|---|---|
| Total | M | 7207.6 | 145.7 | 33.7 | 234.7 | 186.2 |
| | F | 5065.6 | 85.8 | 24.1 | 156.1 | 122.0 |
| British | M | 2913.0 | 134.0 | 25.9 | 168.0 | 102.6 |
| | F | 2117.5 | 78.8 | 18.9 | 112.4 | 66.3 |
| French | M | 1865.1 | 4.5 | 4.5 | 21.8 | 65.3 |
| | F | 1230.8 | 2.6 | 2.7 | 14.0 | 44.4 |
| Other European | M | 1649.7 | 1.9 | 1.2 | 23.9 | 7.1 |
| | F | 1098.3 | 1.1 | .8 | 13.6 | 3.7 |
| Indo-Pakistani | M | 59.4 | .3 | | .6 | .3 |
| | F | 39.4 | .1 | | .3 | .1 |
| Indo-Chinese | M | 13.6 | | | .1 | .1 |
| | F | 8.4 | | | .1 | .1 |
| Japanese | M | 14.6 | | | | |
| | F | 10.7 | | | | |
| Korean | M | 5.7 | | | | |
| | F | 5.1 | | | | |
| Chinese | M | 85.6 | .2 | .1 | .4 | .3 |
| | F | 67.4 | .1 | | .3 | .2 |
| Pacific Islands, including Philippines | M | 19.9 | .1 | | .1 | |
| | F | 24.2 | .1 | | .1 | |
| Black | M | 39.1 | .1 | | 1.1 | .1 |
| | F | 38.2 | | | .9 | |
| Native People | M | 80.5 | .8 | .1 | 1.1 | .8 |
| | F | 53.2 | .4 | .1 | .9 | .4 |
| Central/South American | M | 5.7 | | | | |
| | F | 4.4 | | | | |

*Includes only those who reported 1980 employment income.

**Tables are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Unpublished data from the 1981 Census.

tural group did you or your ancestors belong on first coming to this country?" Because respondents could report two or more ethnic origins in 1981 for the first time, it is impossible to compare the 1981 data with that collected by the 1971 Census, which stipulated that a single ethnic ancestry on the paternal side was to be reported.

## **Table 15** (continued)

| Quebec | Ontario | Manitoba | Saskat- chewan | Alberta | British Columbia | Northwest Territories |
|---|---|---|---|---|---|---|
| 1825.8 | 2614.9 | 298.4 | 281.2 | 730.5 | 835.7 | 20.9 |
| 1198.0 | 1950.7 | 218.5 | 183.3 | 510.2 | 602.4 | 14.9 |
| 140.6 | 1365.9 | 113.1 | 108.8 | 320.7 | 425.6 | 7.7 |
| 100.4 | 1040.1 | 83.0 | 74.0 | 228.9 | 309.3 | 5.6 |
| 1451.2 | 204.6 | 23.0 | 14.9 | [illegible] | 32.2 | 1.3 |
| 944.6 | 145.0 | 17.4 | 9.9 | 27.3 | 22.3 | .7 |
| 158.2 | 721.8 | 120.7 | 123.2 | 256.9 | 232.0 | 3.7 |
| 98.9 | 494.4 | 84.5 | 74.8 | 170.4 | 153.5 | 2.7 |
| 4.6 | 28.6 | 1.7 | .7 | 6.7 | 15.9 | .1 |
| 2.3 | 20.0 | 1.2 | .5 | 4.4 | 10.5 | |
| 3.9 | 4.7 | .6 | .5 | 2.3 | 1.4 | |
| 2.3 | 3.1 | .5 | .2 | 1.3 | .9 | |
| .5 | 6.1 | .5 | .1 | 2.0 | 5.3 | |
| .4 | 4.6 | .3 | .1 | 1.3 | 4.1 | |
| .2 | 3.6 | .2 | .1 | .7 | .9 | |
| .2 | 3.1 | .2 | | .7 | .9 | |
| 5.4 | 34.2 | 2.1 | 2.1 | 12.2 | 28.4 | .1 |
| 3.8 | 27.9 | 1.6 | 1.4 | 8.8 | 23.3 | .1 |
| 1.0 | 9.0 | 2.6 | .2 | 2.4 | 4.4 | .1 |
| 1.6 | 11.1 | 3.7 | .3 | 2.4 | 4.8 | .1 |
| 7.0 | 24.2 | 1.3 | .4 | 2.9 | 2.0 | |
| 6.2 | 26.1 | 1.0 | .3 | 2.2 | 1.5 | |
| 9.8 | 18.4 | 10.1 | 8.0 | 11.4 | 13.8 | 6.2 |
| 5.7 | 12.8 | 6.2 | 5.2 | 8.0 | 9.4 | 4.9 |
| 1.4 | 2.6 | .3 | .1 | .6 | .7 | |
| 1.1 | 1.9 | .3 | .1 | .5 | .5 | |

During most of the immediate post-war period, Canada practised a restricted immigration policy which made it extremely difficult for persons other than Europeans and Americans to emigrate to Canada. As a result of a number of significant changes to Canada's immigration laws, persons of other nationalities moved to Canada in increasing numbers by the late 1960s and especially in the 1970s.[39] In 1971, about 20.3 per cent of the immigrant population was born outside Europe. By 1981 this had risen to 32.1 per cent.

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[39] Richmond, Anthony H., and Kalbach, Warren E. *Factors in the Adjustment of Immigrants and their Descendants*. Ottawa: Statistics Canada, 1980.

## Table 16

### Participation Rates and Unemployment Rates of Selected Ethnic Groups by Gender, 1981*

| | Males | | Females | |
|---|---|---|---|---|
| | Participation Rates | Unemployment Rates | Participation Rates | Unemployment Rates |
| British | 77.8% | 5.6% | 51.4% | 7.7% |
| French | 76.2 | 9.7 | 47.9 | 12.4 |
| Other European | 80.9 | 3.9 | 54.0 | 5.9 |
| Indo-Pakistani | 85.7 | 4.5 | 60.3 | 10.0 |
| Indo-Chinese | 77.6 | 8.3 | 58.9 | 12.3 |
| Japanese | 82.4 | 3.1 | 58.6 | 5.0 |
| Korean | 82.2 | 4.9 | 63.7 | 6.6 |
| Chinese | 79.0 | 4.2 | 61.0 | 5.4 |
| Pacific Islands, including Philippines | 84.8 | 3.4 | 75.3 | 4.3 |
| Black | 83.0 | 7.3 | 65.2 | 9.5 |
| Native People | 60.7 | 16.5 | 36.7 | 17.3 |
| Central/South American | 86.2 | 6.9 | 57.9 | 7.1 |
| Total Labour Force | 78.2 | 6.5 | 51.8 | 8.7 |

*Single ethnic origin only.
Source: Statistics Canada. Unpublished data from the 1981 Census.

The following analysis of characteristics of some of the ethnic groups constituting the Canadian population in 1981 uses broad Statistics Canada categories with a special emphasis, given this Commission's mandate, on visible, or non-white, minorities. The categories used are: British, French, all other European, Indo-Pakistani, Indo-Chinese, Japanese, Korean, Chinese, Pacific Islanders (primarily those from the Philippines), blacks, native people, and Central and South Americans. Except for native people, the data has been analyzed for those reporting a single ethnic origin. The proportion of the labour force reporting multiple origins was only seven per cent. The groups primarily affected are those of European origin, including British, and native people. There are special problems affecting the statistics on the black population. As has already been noted, the census does not ask questions on race, although race has been inferred in some cases. The lack of adequate data on race makes it difficult to accurately measure the participation of some minorities in the labour force.

Table 15 shows the breakdown by gender and province of selected ethnic groups in the labour force.

Tables 16 and 17 provide summary data on various ethnic groups in the labour force. In June, 1981, 78.2 per cent of all males 15 and over were in the labour force and reported an unemployment rate of 6.5 per cent. Slightly more than one-half of all females 15 and over (51.8 per cent) were in the labour force and reported a higher unemployment rate of 8.7 per cent.

The great majority of men of all ethnic backgrounds work. The census data on unemployment, which were collected before the substantial rises in unemployment, are the only such data available by ethnic origin. The official unemployment rate is often criticized for not measuring hidden unemployment represented by discouraged workers who have given up searching for work because

## Table 17

## Immigrant Status of Labour Force by Ethnicity and Gender, 1981* (Per Cent Distribution)

| | | | Period of Immigration | | |
|---|---|---|---|---|---|
| MALES | % Born In Canada | % Born Outside Canada | Before 1961 | 1961-70 | After 1970 |
| All males | 80.8% | 19.2% | 8.5% | 5.4% | 5.2% |
| British | 87.3 | 12.7 | 6.0 | 3.8 | 2.9 |
| French | 97.9 | 2.1 | .8 | .6 | .6 |
| Other European | 58.5 | 41.5 | 23.8 | 11.5 | 6.1 |
| Indo-Pakistani | 3.0 | 97.0 | 3.4 | 27.8 | 65.9 |
| Indo-Chinese | 2.9 | 97.1 | .5 | 7.6 | 89.0 |
| Japanese | 75.9 | 24.1 | 3.8 | 8.7 | 11.6 |
| Korean | 1.2 | 98.8 | .5 | 22.8 | 75.3 |
| Chinese | 13.4 | 86.6 | 13.2 | 21.6 | 51.8 |
| Pacific Islands | 2.1 | 97.9 | .4 | 15.8 | 81.6 |
| Black | 11.2 | 88.9 | 4.2 | 33.2 | 51.4 |
| Native People | 95.0 | 4.9 | .5 | 1.1 | 3.3 |
| Central/South American | 8.7 | 91.3 | 3.2 | 15.2 | 72.8 |
| FEMALES | | | | | |
| All females | 81.2% | 18.8% | 7.2% | 5.9% | 5.8% |
| British | 86.3 | 13.7 | 6.1 | 4.4 | 3.2 |
| French | 97.8 | 2.2 | .7 | .8 | .7 |
| Other European | 62.5 | 37.5 | 19.0 | 11.8 | 6.7 |
| Indo-Pakistani | 3.6 | 96.4 | 1.7 | 21.9 | 72.8 |
| Indo-Chinese | 2.4 | 97.6 | .9 | 8.4 | 88.3 |
| Japanese | 76.5 | 23.5 | 5.6 | 8.2 | 9.7 |
| Korean | 1.1 | 98.9 | .2 | 23.1 | 75.6 |
| Chinese | 14.0 | 86.0 | 7.7 | 23.3 | 55.1 |
| Pacific Islands | 1.4 | 98.6 | .5 | 24.9 | 73.2 |
| Black | 8.5 | 91.5 | 3.9 | 36.1 | 51.4 |
| Native People | 93.9 | 6.1 | .4 | 1.2 | 4.4 |
| Central/South American | 5.7 | 94.3 | 3.2 | 18.3 | 72.6 |

*Single ethnic origin.

Source: Statistics Canada. Unpublished data from the 1981 Census.

they believe that no work is available. It is possible that at the time of the census some respondents did not report any labour force participation because they perceived a lack of job opportunities.

Table 16 shows that the highest male unemployment rates were reported by native, French, Indo-Chinese, and black males, while the lowest rates were reported by Japanese, Pacific Islander, and European males other than British and French. The majority of the French, Japanese, and other European males were Canadian born, while the majority of the Indo-Chinese, black, and Pacific Islander males were immigrants.

Women reported higher unemployment rates than men, with the highest rates reported by native women, and by women of French, Indo-Chinese, and Indo-Pakistani origin. The lowest female unemployment rates were reported by Pacific Islanders, Japanese, and Chinese.

Table 17 shows the breakdown of the labour force between Canadian born and immigrants, who are further subdivided by period of arrival. Although about 40 per cent of those from the European continent were immigrants, more than half arrived before 1961. The majority of ethnic groups from other parts of the world were born abroad, and many arrived in Canada after 1970. For example, the majority of Indo-Pakistani, Indo-Chinese, Korean, Pacific Islander, black, and Central and South American labour force participants arrived after 1970, and thus had been in Canada for 10 years or less at the time of the 1981 Census.

## EDUCATION LEVELS

Those ethnic groups consisting of recent immigrants usually reported above-average levels of education. Among males, 20 per cent or more of Indo-Pakistanis, Indo-Chinese, Koreans, Chinese, and Pacific Islanders reported having a university training.

Women generally were less likely to have completed higher levels of education, although recent immigrants reported higher levels of education than did Canadian-born groups. Women from the Pacific Islands, primarily from the Philippines, reported the highest levels of education, with 38 per cent citing a university training. Indo-Pakistani women also reported a significant number of university graduates.

## EMPLOYMENT INCOME

Native people of both genders had the lowest incomes of all groups. For males, the next lowest were reported by the Indo-Chinese, Central and South Americans, and blacks. Average earnings reported by Indo-Chinese were two-thirds of the national average. The majority of Latin Americans arrived shortly before 1981, and their numbers are relatively small.

The Japanese and British ethnic groups had the largest proportion of males earning $30,000 or more in 1981, while native, black, and Central and South American males were under-represented in the higher income groups. Black male immigrants who arrived between 1961 and 1970 had average incomes that were 95 per cent of the overall average earnings of all male immigrants arriving in the 1960s. On the other hand, black males arriving after 1970 reported earnings that were only 81 per cent of earnings reported by all male immigrants arriving in the 1970s. Earnings of male Chinese immigrants of the 1970s were only somewhat higher — 82 per cent of the average reported by all males arriving in the 1970s.

Among females, the lowest incomes were those of native and Central and South American women — women in each of these groups earned 77 per cent of the national female average. The rankings of the female workers were also quite different from those of their male counterparts. The highest incomes were earned by women from the Pacific Islands (largely immigrants from the Philippines), Japanese (largely Canadian born), blacks (largely immigrants), and Chinese (largely immigrants). Native, Central and South American, Indo-Chinese, and Korean women reported the lowest incomes.

## OCCUPATIONAL STRUCTURE OF SELECTED GROUPS

### British

As previously noted, the majority of labour force participants in this group were born in Canada. The dominant male occupations were: managerial (12.6 per cent), construction trades (10 per cent), product fabricating, assembling, and repairing (9.3 per cent), sales (9.2 per cent), and service (9 per cent). For women, the leading occupational categories were: clerical (38.7 per cent), service (14.5 per cent), sales (10.1 per cent), and managerial and administrative (5.9 per cent).

Male immigrants were more likely than Canadian-born males to be found in managerial, professional, and white-collar occupations. Leading occupations of male immigrants were: managerial (16.5 per cent), product fabricating (10.5 per cent), professional occupations in the natural sciences, engineering, and mathematics (9.1 per cent), followed by sales and service occupations.

British male immigrants were represented throughout all the managerial occupations, although the largest numbers were identified as general managers and other senior officials, sales and advertising managers, and production managers. In product fabricating occupations, male immigrants in substantial numbers worked as mechanics and repairers, while the second largest numbers were in occupations associated with fabricating and assembling metal products, such as engines, motor vehicles, and aircraft. Dominant professional occupations were those in engineering and in mathematics and statistics.

Leading occupation of female immigrants were: clerical (38.7 per cent), service (13.6 per cent), sales (10.1 per cent), and occupations in medicine and health (9.8 per cent). The majority of those in clerical occupations worked as bookkeepers, cashiers, tellers, and in stenographic and typing occupations. In sales occupations, the majority were sales clerks. Nursing was the most significant occupation in the health field.

### French

Immigrants are not a significant part of labour force participants of French origin. The main male occupational categories were: production jobs (10.9 per cent), construction trades (10.7 per cent), managerial (9.9 per cent), and sales (8.5 per cent).

The leading female occupations were: clerical (35 per cent), service (16 per cent), occupations in medicine and health (9.1 per cent), and production jobs (6.1 per cent).

### Europeans other than British or French

This category contains a substantial proportion of immigrants (42 per cent of males and 38 per cent of females), many of whom arrived before 1961. Among males the leading occupational categories were: construction trades (13.4 per cent), managerial and related jobs (11 per cent), service (8.9 per cent), sales (8.3 per cent), and farming (7.8 per cent).

Among Canadian-born males the leading occupational categories were: managerial, construction trades, farming, and sales occupations. Among immigrant males, they were: construction trades, product fabricating and assembling, service, and managerial occupations. Thus Canadian-born males were somewhat more likely to be in white-collar and primary industries, while immigrant Europeans were in blue-collar occupations.

The majority of immigrants in the construction trades worked as skilled tradesmen (carpenters, brick and stone masons, plasterers and painters). In product fabricating and assembling, as with male British immigrants, the metal-products sector was the most important. Service occupations most frequently reported were associated with restaurants and hotels (chefs, cooks, bartenders and waiters, and cleaners).

For females the leading occupations were: clerical (33.6 per cent), service (16.9 per cent), sales (9.9 per cent), product fabricating and assembling (7.1 per cent), and occupations in medicine and health (7 per cent). Canadian-born women reported these occupational categories most frequently: clerical (39.3 per cent), service (14.5 per cent), sales (10.8 per cent), and occupations in medicine and health (10.8 per cent). Immigrant women were most concentrated in the following: clerical (24.2 per cent), service (20.6 per cent), product fabricating and assembling (15.4 per cent), and sales (8.5 per cent). In the clerical fields, the main occupations reported by immigrants were bookkeeping and related occupations, and stenographic and typing occupations. The main female service occupations were those associated with hotels and restaurants. In product fabricating, the main employment was in occupations associated with textile, fur, and leather products.

## Indo-Pakistani

The leading male occupational categories were: managerial (11.4 per cent), product fabricating and assembling (11.2 per cent), occupations in the natural sciences, engineering, and mathematics (11 per cent), processing occupations (9.5 per cent), and clerical (9.7 per cent). More than half of Indo-Pakistani males are in white-collar or professional occupations, while nearly 45 per cent are in blue-collar occupations. There are differences evident between earlier immigrants from the Indian sub-continent and more recent immigrants. For example, for those arriving between 1961 and 1970, the leading occupational categories in order of importance were: natural sciences, engineering, and mathematics; managerial; processing; teaching and related occupations; product fabricating and assembling occupations; and clerical. For immigrants arriving after 1970, the leading categories in order of importance were:

product fabricating and assembling; clerical; managerial; natural sciences and engineering; and processing occupations.

For Indo-Pakistani women the leading occupational categories were: clerical (35.2 per cent), service (14.7 per cent), product fabricating and assembling (11.6 per cent), occupations in medicine and health (8.1 per cent), and sales (5.9 per cent).

Among males, managerial positions reported were largely in the private sector and in occupations associated with white-collar employment (sales and advertising, services management, and personnel). Men were only lightly represented in managerial positions associated with trade and industry. In the natural sciences and engineering, engineering occupations were most significant followed by occupations associated with construction (architects, surveyors, and draughtsmen). Occupations in the physical and biological sciences were of less importance. In processing occupations there were no significant concentrations in any one industrial category; the largest numbers reported were in occupations associated with wood processing, other than pulp and paper-making. In clerical occupations, the largest number of males worked in bookkeeping, accounting, or related occupations, and the second largest category related to material recording, scheduling, and distributing such as shipping and stock clerks. Among women, bookkeeping, accounting, and typing occupations were most reported in the clerical category, while in product fabricating and assembling, occupations associated with textile, fur, and leather products were most reported. In medicine and health, the leading occupation is nursing. In sales, the main occupation was that of clerks selling commodities.

## Indo-Chinese

These immigrants were probably among the most recent arrivals and were in the lowest income groups. Males reported the following occupational attachments: product fabricating and assembling (17.8 per cent), service (16.7 per cent), natural sciences and engineering (8.6 per cent), machining and related occupations (8.7 per cent), and processing occupations (8.3 per cent). Thus Indo-Chinese males were largely employed in blue-collar and service occupations.

Female employment showed somewhat similar patterns. The leading occupational categories were: product fabricating and assembling (23.4 per cent), service (22.9 per cent), and clerical (20.9 per cent).

In product fabricating, there was no particular sector in which males were concentrated, although the largest numbers were classified as mechanics and repairers. In service occupations, the largest number reported working as janitors or cleaners, followed by occupations such as chefs, cooks, and bartenders. In the natural sciences, engineering occupations were most frequently reported, while in the machining occupations the largest number worked in metal shaping and forming. In the processing category, the largest number reported employment in occupations associated with the food and beverage industries, such as jobs in slaughterhouses and in meat packing or fish canning plants.

Women in processing occupations were largely employed as sewing-machine operators or in related occupations in textiles. In service occupations, the food and beverage occupations were most widely reported, followed by miscellaneous service occupations and cleaning and charwork. In clerical occupations, females worked primarily as cashiers, tellers, and in similar jobs, or as typists.

### Japanese

Japanese males had a high average income. One-quarter of males reported employment in two occupational categories: managerial (13.4 per cent) and occupations in the natural sciences, engineering, and mathematics (11.4 per cent). Other leading occupational classifications were: product fabricating and assembling (10.6 per cent), sales (9.7 per cent), clerical (8.6 per cent), and service (8.2 per cent).

In managerial occupations, males were primarily in the private sector and were generally represented throughout the range of occupations. In the natural sciences, engineering occupations were dominant followed by construction occupations, such as draughting and surveying. In product fabricating, most worked as mechanics and repairers.

Leading occupations for Japanese women were: clerical (38.2 per cent), service (12.5 per cent), occupations in medicine and health (7.7 per cent), and teaching (7.0 per cent). Female clerical occupations were similar to those of other ethnic groups. In the service occupations, Japanese women seemed to have more diversified occupations, although jobs associated with restaurants and hotels were also the most numerous. In the health field, nursing was most reported, although women worked in other health-related areas as lab technicians, dietitians, and dental hygienists.

## Korean

The most significant male occupational categories were: sales (16.9 per cent), product fabricating and assembling (13.7 per cent), managerial (13.3 per cent), and natural sciences and engineering (9.7 per cent). Leading female occupations were: clerical (26.4 per cent), sales (20.9 per cent), product fabricating and assembling (11.0 per cent), and occupations in medicine and health (7.2 per cent). The number of Koreans in the labour force is relatively small and there are no particular patterns of employment.

## Chinese

Just over 50 per cent of all Chinese male and 55 per cent of all Chinese female labour force participants have arrived since 1970. Among all Chinese males, service occupations are more dominant than is true of males in other ethnic groups. Leading occupational categories for males were: service (26.6 per cent), natural sciences and engineering (13.0 per cent), managerial (10.3 per cent), product fabricating and assembling (9.2 per cent), clerical (8.0 per cent), and sales (7.6 per cent). About 20 per cent of Chinese males are in professional occupations.

Among recent male immigrants, the occupational patterns were somewhat similar. The largest occupational categories were: service (27.9 per cent), product fabricating and assembling (12.3 per cent), natural sciences and engineering (12 per cent), and managerial (8.1 per cent).

An examination of the detailed occupational structure shows that the majority of males in service occupations worked as supervisors of food and beverage preparation, and as chefs and cooks or waiters. These accounted for three quarters of male service occupations. As with other ethnic groups, engineers accounted for the largest proportion of those in the natural sciences and engineering, although a substantial number were also in occupations such as surveying and draughting, as well as in systems analysis and computer programming. Chinese males were most strongly represented in management occupations as accountants or financial officers, in service management occupations, and in sales and advertising management occupations. In the product fabricating category, the leading occupations were mechanics and repairers and occupations associated with the fabricating, assembling, and repairing of electronic and related equipment.

Chinese females had a somewhat different occupational structure. The most important occupational groups were: clerical (31.9 per cent), service (21.9 per cent), product fabricating and assembling (13.6 per cent), and occupations in medicine and health (6.7 per cent). Among the most recent female immigrants, the main occupations were: clerical (30.5 per cent), service (23.7 per cent), product fabricating (17.3 per cent), and occupations in medicine and health (5.6 per cent).

### Pacific Islands

These labour force participants are almost entirely emigrants from the Philippines.

Among males, the most significant occupations were: product fabricating and assembling (17.8 per cent), clerical (13.5 per cent), sales (13.2 per cent), natural sciences and engineering (10.5 per cent), and machining and related occupations (8.5 per cent).

Males are employed through the range of product fabricating occupations. In clerical occupations, the largest numbers worked as bookkeeping and accounting clerks, in electronic data processing occupations, and as shipping and receiving clerks. In sales, the most common occupation was that of a sales clerk. Among those in professional occupations, surveying, draughting, and engineering technician occupations were more important than engineering occupations.

Women from the Pacific Islands reported the highest female income among the ethnic categories. This may be explained by the high proportion in health and related occupations (31.8 per cent). The other leading occupations were: clerical (29.6 per cent), product fabricating (11.6 per cent), and service (11.4 per cent).

Nurses constituted the largest numbers in the health occupational category, followed by nursing assistants. Females in clerical occupations worked as cashiers, tellers, and bookkeepers and in typing occupations. In product fabricating, women were primarily employed as sewing-machine operators. In service occupations, the largest numbers worked in personal service positions as housekeepers, maids, hairdressers, and nursemaids.

### Central and South American

These reported among the lowest earnings of labour force participants. The main male occupational categories were: service

(18.2 per cent), product fabricating (15.9 per cent), machining and related occupations (9.9 per cent), construction trades (7.7 per cent), and processing occupations (7.5 per cent). For women, the leading categories were: service (28.4 per cent), clerical (19.8 per cent), and product fabricating (16.4 per cent).

The male service occupations were primarily in the hotel and restaurant and janitorial occupations. The product fabricating jobs were dispersed. Among women, charwork and cleaning occupations were most frequently reported, followed by waitressing occupations. In product fabricating, sewing-machine operators were the most prominent.

## Blacks

About 78,000 labour force participants identified themselves as black on the 1981 Census. Of these, about 39,000 were males, of whom 4,500 reported being born in Canada, while about 39,000 were females, of whom 3,300 reported being born in Canada.

The number of blacks used in this analysis may be understated, as the 1981 Census did not specifically ask persons to identify themselves as black. Black immigrants identified themselves as primarily from the Caribbean, including Guyana, and nearly all Caribbean immigrants reported only a single ethnic origin. But almost as many Caribbean immigrants reported themselves as having a British or French ethnic ancestry as those who reported themselves as black. Other ethnic groups who may have emigrated from the Caribbean are those of Chinese or East Indian ancestry.

In summary, of the Caribbean immigrants in the labour force, only 41 per cent, or 59,000, identified themselves as black, while 84,000 reported other ethnic affiliations, primarily British. If some of the latter are also black, then the black labour force in 1981 may be significantly higher than the 78,000 who identified themselves as black. It is worth noting again that individuals were not specifically asked to identify themselves as black on the 1981 Census. This identification will be requested on the 1986 Census.

Of the labour force participants identifying themselves as black, about 13,000 worked in Quebec and 50,000 in Ontario, while the remaining 15,000 worked in other provinces. The concentration of Caribbean immigrants in Ontario and Quebec was even greater. Of the 144,000 labour force participants born in the Caribbean, 30,000 settled in Quebec and nearly 99,000 in Ontario.

In Quebec, about 16,600 workers arrived from Haiti and classified themselves in the following way: black 8,500, British 100, French 6,800, other origins 1,200. Nearly all Haitian workers are in Quebec. Quebec also attracted just over 13,000 immigrants from other Caribbean countries, of whom 3,600 classified themselves as black, 7,400 as British, 300 as French, and 2,000 as other origins.

Of the Caribbean immigrants working in Ontario, 40,000 identified themselves as black, 37,000 as British, 1,000 as French, and 19,000 as belonging to other or mixed ethnic groups.

Although earnings of black females appear to be comparable with those of other female ethnic groups, black males, especially those arriving after 1970, seem to have a lower economic level than other males. An examination of those Caribbean immigrants who did not report themselves as black showed that employment and earning patterns for these immigrants as a whole were similar to those of the black group.

At the national level, the disparity between the incomes of Caribbean males and the national average for all males was 11 per cent. But the disparities were greater in Ontario and Quebec, where the majority of Caribbean immigrants are concentrated.

Haitian male immigrants in Quebec reported an unemployment rate nearly 75 per cent higher than the provincial male unemployment rate. The main occupational categories reported by Haitian male immigrants were: product fabricating and assembling (primarily assembly-line jobs), processing, and service (waiters and janitors).

Other males from the Caribbean working in Quebec also had unemployment rates higher than the provincial average. Product fabricating occupations were also the most important occupational category for this group, with clerical occupations second and service occupations third.

Female immigrants from Haiti and from other Caribbean countries had a high participation rate, but Haitian females had an unemployment rate almost double the female Quebec average. As to occupational categories, Haitian women were concentrated in product fabricating, which accounted for 36.6 per cent of occupations in which they worked. The next most important were those in medicine and health, service, and clerical. Other women from the Caribbean working in Quebec showed quite different occupational patterns. The most significant occupations were: clerical, occupations in medicine and health, service, and product fabricating occupations.

Caribbean male immigrants in Ontario were somewhat less likely than those in Quebec to be in assembly-line, blue-collar occupations. Among males the leading occupational categories were: product fabricating, clerical, machining occupations, and service. Among females they were: clerical, health and medicine, and service.

Summary tabulations for the rest of Canada showed that hardly any labour force participants in the rest of Canada reported Haiti as a place of birth. This was not the case with other immigrants from the Caribbean, of whom 8,700 males and 7,200 females were in the labour force in other provinces.

There were 7,800 labour force participants who identified themselves as both black and Canadian born on the 1981 Census. They are concentrated in Ontario (3,400) and Nova Scotia (1,800), with the remainder mainly in Quebec and Alberta. Black Canadian-born males living in Ontario earned 79 per cent of the Ontario male average income, while black Canadian-born females earned more than the provincial average for females. In Nova Scotia, black Canadian-born males earned 77 per cent of the provincial male average, while black Canadian-born females appear to have earned four per cent more than the provincial female average.

## Native People

As the various data indicate, native people have low participation rates, high unemployment, low incomes, and low levels of education. They are further restricted by geographic concentration in rural and remote areas, making access to employment opportunities much more difficult than for persons in the other ethnic and racial groups, who for the most part, are concentrated in the most industrially developed regions of the country.

As with blacks, there are difficulties in determining from the census the size of the native population in Canada. The 1981 questionnaire identified four categories of native people — Inuit, Status Indian, non-Status Indian, and Métis — and, as has been noted, allowed respondents to report multiple ethnic origins. In total, about 491,000 persons were identified as being at least partially of native origin. Of these, some 413,000 reported a single ethnic origin while

## Table 18

## Native People, 1981

| | Total | Single Origin | Multiple Origin |
|---|---|---|---|
| Total | 491,460 | 413,380 | 78,080 |
| Inuit | 25,390 | 23,200 | 2,190 |
| Status Indian | 292,700 | 266,425 | 26,275 |
| Non-Status Indian | 75,110 | 47,235 | 27,875 |
| Métis | 98,260 | 76,515 | 21,745 |

Source: Statistics Canada. Unpublished data from the 1981 Census.

78,000 reported multiple origins. Table 18 presents a numerical breakdown by native category.

An analysis of the data on native people shows that the labour force and other characteristics of the population reporting mixed ethnic origins differ from those reporting only a single origin. Persons reporting a native origin plus another ethnic origin may or may not identify themselves as being native. The 1986 Census will attempt, by a special question, to enumerate persons who "consider" themselves members of the native population.

As Table 19 shows, the province with the greatest number of native people in the labour force is Ontario, although the four west-

## Table 19

## Provincial Distribution of Native People in Labour Force by Gender, June, 1981

| | Single Origin | | Multiple Origins | | Total* | |
|---|---|---|---|---|---|---|
| | Male | Female | Male | Female | Male | Female |
| Newfoundland | 755 | 385 | 240 | 135 | 1,000 | 525 |
| P.E.I. | 75 | 65 | 35 | 25 | 110 | 90 |
| Nova Scotia | 1,005 | 750 | 310 | 290 | 1,320 | 1,040 |
| New Brunswick | 730 | 345 | 155 | 130 | 890 | 470 |
| Quebec | 9,560 | 5,690 | 1,490 | 1,235 | 11,050 | 6,920 |
| Ontario | 17,710 | 12,120 | 5,890 | 4,640 | 23,595 | 16,760 |
| Manitoba | 9,055 | 5,435 | 1,190 | 845 | 10,250 | 6,285 |
| Saskatchewan | 7,905 | 4,685 | 800 | 595 | 8,705 | 5,275 |
| Alberta | 10,385 | 6,690 | 2,640 | 1,960 | 13,025 | 8,645 |
| British Columbia | 13,025 | 8,690 | 3,730 | 2,880 | 16,755 | 11,570 |
| Yukon and N.W.T. | 4,835 | 3,415 | 280 | 240 | 5,110 | 3,655 |
| Canada* | 75,050 | 48,270 | 16,760 | 12,975 | 91,810 | 61,240 |

*Totals are independently rounded and do not necessarily equal the sum of individually rounded figures in distributions.

Source: Statistics Canada. Unpublished data from the 1981 Census.

ern provinces have the greatest proportions of native populations. In Ontario, native people constitute a little more than one per cent of the population, while in Manitoba and Saskatchewan the percentage is between six and seven. In all provinces the participation rates of native people of both genders are substantially lower than those of non-natives.

The highest participation rate was in Ontario, where 70 per cent of males and 46 per cent of females of native ancestry reported a labour force attachment. In Manitoba and Saskatchewan, on the other hand, only about one-half of native males reported being in the labour force and slightly less than one-third of native females. At the national level, of those who did report themselves as being in the labour force, 16 per cent of males and 15 per cent of females reported themselves as unemployed. Table 20 shows the participation and unemployment rates of native people in June, 1981, broken down by gender and by whether they were Status or non-Status Indian, Inuit, or Métis.

### Table 20

### Participation and Unemployment Rates for Native People by Gender, June, 1981*

| | Participation Rate | | Unemployment Rate | |
|---|---|---|---|---|
| | Males | Females | Males | Females |
| Inuit | 55.2% | 38.2% | 16.3% | 16.1% |
| Status Indian | 56.5 | 33.5 | 17.1 | 18.3 |
| Non-Status Indian | 73.0 | 46.6 | 16.0 | 16.2 |
| Métis | 68.5 | 40.7 | 15.2 | 15.7 |

*Single ethnic origin only.
Source: Statistics Canada. Unpublished data from the 1981 Census.

Of the native people in the labour force who reported a single ethnic origin, 36 per cent of the males and 27 per cent of the females lived on reserves. Census data show that the participation rates of those living on reserves were substantially lower than for those who lived off reserves. On reserves, the participation rate was 50 per cent for males and 27 per cent for females. Off reserves the equivalent rates were 71 per cent and 45 per cent. The ratio of the adult population reporting total or partial native ancestry and living on reserves is highest in Quebec, where nearly one-half live on reserves. The ratio is around one-third in Ontario and the western provinces.

The major occupational categories for native males were construction workers, managerial occupations, service occupations, product fabricating and assembling, forestry and logging, and processing occupations. Construction occupations accounted for about 20 per cent of native male occupations, but nearly half of the jobs in these occupations were in excavating, grading, and paving occupations; carpenters and related occupations; and occasional labouring occupations. Native males were only lightly represented in the more skilled construction occupations such as plasterers, pipe fitters, and brick layers.

The managerial occupations most frequently reported by native people of a single ethnic origin were those of officials and administrators unique to government and farm management occupations. In the social sciences, the dominant occupations were in welfare and community services and social work. The teaching occupations were in elementary or secondary school teaching.

In service occupations, the largest numbers were in protective service occupations such as firefighters, guards, and policemen, followed by employment in unskilled service occupations such as janitors, cleaners, and labourers. Only 25 per cent of the workers in product fabricating and assembling lived on reserves. As with other ethnic groups, mechanics and repairmen were the largest category. In forestry occupations, native males were concentrated in timber cutting and logging occupations, while in product fabricating the largest numbers worked in occupations associated with wood processing, such as sawmills and plywood mills. In transportation, the main native employment was as truck drivers.

Among all native women reporting a single ethnic origin, about 27 per cent lived on reserves. Some occupations appeared to be related to residence on reserves, while occupations reported by those living off reserves were often those requiring relatively low skills. Service occupations were reported by 28 per cent of native women. The greatest number worked as waitresses, chefs, and cooks and in other occupations associated with serving food and beverages, while personal service occupations such as laundresses, nursemaids, and housekeepers were second in numerical significance. Third was employment as cleaners in commercial or business establishments.

Clerical occupations were next in numerical importance. Three-quarters of clerical jobs were held by native women living off reserves. The largest numbers worked as bookkeepers, cashiers, tellers, and in related occupations, with secretarial and typing jobs next in importance. Although native women were represented in other clerical occupations, very few reported jobs associated with electronic data processing.

About 12 per cent of native women were in teaching and health occupations. More than half of those in teaching resided on reserves and were elementary or secondary school teachers. On the other hand, three-quarters of those in the health field lived off reserves, and the main occupations reported were nursing, nursing assistants, and nursing attendants. More worked as attendants and assistants than as registered nurses. As with native men in the social sciences and related fields, the largest numbers worked in occupations in welfare and community services or as social workers. Of these 40 per cent lived on reserves. In the managerial area, women were largely employed in jobs that seemed to be related to the management of reserves, although they were also represented in other management occupations, such as those related to personnel and purchasing.

**Table 21**

**Average Employment Income in 1980 for Native People by Gender***

| | Males | Females |
|---|---|---|
| Inuit | $9,806 | $5,945 |
| Status Indian | 10,097 | 6,216 |
| Non-Status Indian | 12,371 | 6,984 |
| Métis | 11,888 | 6,497 |

*Single ethnic origin only.
Source: Statistics Canada. Unpublished data from the 1981 Census.

Table 21 shows the average employment income of native people in 1980, broken down by gender and by whether they were Status or non-Status Indian, Inuit, or Métis. Native people reported earnings substantially below national norms. Males reporting a single ethnic origin had an average income of $10,764, which was only 63 per cent of the average earnings of non-native males. Only 17 per cent of native males earned $20,000 and over, while an income of $30,000 or more was attained by only four per cent. In contrast, 35.4 per cent of the total male labour force earned $20,000 or more, while 11.7 per cent of the total male labour force earned $30,000 or more.

The disparity in native women's earnings was somewhat less, though a wide gap existed between the earnings of native and non-native women. Native women reporting a single ethnic origin averaged only 72 per cent of non-native female earnings. One-quarter of these women earned $10,000 or more. In contrast, 39.9 per cent of the total female labour force earned $10,000 or more.

## Chapter 3

# THE DESIGNATED CORPORATIONS

> "Even where the tasks of Crown Corporations directly parallel those of private sector enterprises ... they are engaged in something more than a business venture. Most are created as instruments of national purpose and that purpose, as expressed in their mandates, extends beyond the business at hand."[1]

The mandate of this Commission required an examination into the employment opportunities for women, native people, disabled persons, and visible minorities in 11 federal crown corporations and government-owned corporations[2] representing a broad range of Canadian enterprise:

Air Canada

Atomic Energy of Canada Limited

Canada Mortgage and Housing Corporation

Canada Post Corporation

Canadian Broadcasting Corporation

Canadian National Railway Company

The de Havilland Aircraft of Canada, Limited

Export Development Corporation

Federal Business Development Bank

Petro-Canada

Teleglobe of Canada Limited

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[1] Canada. Royal Commission on Financial Management and Accountability. *Final Report*. Ottawa, March, 1979, p. 328-329.

[2] Nine of the 11 corporations were created by special statute. Of the remaining two, Atomic Energy of Canada Limited was created by legislation that provided for its incorporation under the *Canada Corporations Act* and The de Havilland Aircraft of Canada, Limited was incorporated under the Ontario *Business Corporations Act, 1982*. With the exception of de Havilland, all of the corporations are listed as crown corporations under the *Financial Administration Act*. De Havilland is a subsidiary of the Canada Development Investment Corporation (CDIC), a federal crown corporation listed under the *Financial Administration Act*.

Information about the employment practices of the 11 corporations was sought by two means: a questionnaire designed to elicit a picture of each corporation's workforce and human resource systems; and meetings with the chief executive officers and senior corporate representatives of each corporation.

The questionnaire,[3] developed by the Commission, had two parts. The first part requested extensive data on hirings, promotions, terminations, and part-time positions, as well as employee breakdowns by income, job classification, and geographic distribution. The second part requested information about systems within each corporation that dealt with human resource planning; measures to increase the participation of any of the four designated groups; the number of employee groups subject to collective agreements and details of those agreements; corporate policies and practices respecting education and training; and the corporation's plans to change any such policies and practices.

Overall, the purpose of the questionnaire was to determine:

1. the distribution of members of the four designated groups in all occupational categories;
2. the disparity, if any, between salaries of members of the designated groups and the rest of the workforce, by occupational category;
3. the extent to which measures had already been taken to identify and eliminate barriers to equal employment for the four designated groups;
4. the feasibility of instituting flexible forms of corporate practices in the elimination of these barriers; and
5. the practices of the corporations most conducive to the equitable participation of members of the four groups.

The first part of the questionnaire posed some difficulty for the corporations. Most kept a certain amount of data concerning the numbers and location of women, but none kept records concerning any of the other three groups. It was their understanding that it was illegal under human rights legislation to collect such data.[4]

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[3] A copy of the questionnaire can be found in Appendix D.

[4] See Section 8 of the *Canadian Human Rights Act*, S.C. 1976-77, C.33 as amended, 1977-78, C. 22; 1980-81, C.54; 1980-81-82, C.111; 1980-81-82, C.143, which makes it a discriminatory practice to make inquiries based on a prohibited ground unless in connection with a section 15 "special program."

Canada Post had particular difficulty. Stating that it was still grappling with the transition in October, 1981, from being a department of the federal government to being a crown corporation, Canada Post observed: "The sheer complexity and magnitude of the transformation of a federal department to a crown corporation, especially given CPC's size, has resulted in many policies in the personnel, financial, and administrative areas being carried over to provide direction and guidelines to CPC staff, until new policies are developed." The consequences were, as Canada Post noted, that some data were either not available or not readily accessible, since the new information systems necessary to generate and maintain such data were not yet in place.

The corporations were advised that they were not obliged to provide any data not readily available. What was being sought was the best information possible in the circumstances.

In addition to completing the questionnaire, five corporations chose to address the issues listed in the letter to the public inviting submissions.[5]

## WORKFORCE PARTICIPATION

As noted above, the corporations were able to provide relatively reliable data on the numerical distribution and participation rates only for women. Where data on the other three designated groups existed, the information was either specific only to small units of the corporation or represented estimates. It was clear from information learned from the meetings with senior representatives, however, that native people, visible minorities, and disabled persons were not employed in significant numbers by any of the corporations.

### Levels of Representation

The 11 corporations collectively employed more than 175,000 people in July, 1983. Of these, more than 138,000 (79 per cent) were men and about 37,000 (21 per cent) were women. Table 1 gives the percentage distribution of men and women in each of the corporations in 1983.

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[5] The five were Air Canada, Canada Mortgage and Housing Corporation, Export Development Corporation, Petro-Canada, and Teleglobe. A copy of the letter requesting submissions can be found in Appendix A.

## Table 1

### Percentage Composition of Labour Force by Gender in the 11 Corporations — 1983

| Corporation | % Men | % Women | Number of Employees |
|---|---|---|---|
| Air Canada | 70.1 | 29.9 | 19,550 |
| Atomic Energy | 80.7 | 19.3 | 7,321 |
| Canada Mortgage and Housing Corporation | 46.4 | 53.6 | 4,076 |
| Canada Post | 72.0 | 28.0 | 57,127 |
| Canadian Broadcasting Corporation | 69.9 | 30.1 | 12,346 |
| Canadian National | 93.5 | 6.5 | 62,055 |
| de Havilland | 90.9 | 9.1 | 2,952 |
| Export Development Corporation | 41.3 | 58.7 | 617 |
| Federal Business Development Bank | 52.1 | 47.9 | 1,702 |
| Petro-Canada | 71.8 | 28.2 | 6,456 |
| Teleglobe | 70.5 | 29.5 | 1,374 |
| Average | 79.0% | 21.0% | 175,576 |

Taken as a whole, the corporations employ a significantly lower percentage of women than are found in the general labour force, where they constitute more than 40 per cent. In part, the variation in representation of women reflects variation in corporate function. Canadian National and de Havilland have a high proportion of blue-collar jobs, jobs not traditionally held by women. On the other hand, Export Development Corporation, Canada Mortgage and Housing Corporation, and the Federal Business Development Bank offer a high proportion of white-collar jobs, jobs in which women have traditionally been well represented.

### Occupational Categories

Statistics Canada marshals its more than 500 job classifications into nine broad occupational categories. Using these nine categories did not, in the opinion of the Commission, operate adequately to pinpoint the position of the four designated groups within the corporations. Accordingly, the Commission reworked them into the following 12 occupational categories[6]:

Upper-level Managers

Middle Managers

Professionals

Semi-professionals and Technicians

Supervisors

Foremen/women

Clerical Workers

Sales Workers

Service Workers

Skilled Crafts and Trades Workers

Semi-skilled Manual Workers

Unskilled Manual Workers

In Part I of the questionnaire, each corporation was asked to provide a breakdown of its workforce by gender and by the numbers of native people, disabled persons, and visible minorities for each of the 12 occupational categories. Information was also requested on hirings, terminations, promotions, salary ranges, and part-time positions for each category. The 12 categories, although they more or less coincided with Statistics Canada's general groupings, did not always coincide with the occupational groupings maintained by each corporation, and this posed some obvious difficulty for the corporations in attempting to give accurate information to the Commission.

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[6] Descriptions of each of these categories can be found in Appendix D.

## Occupational Distribution: 1978 and 1983

Questions were asked about the distribution of members of the four designated groups within each corporation in 1978 as well as in 1983 in order to measure the rate of change.

Table 2 presents both the 1978 and 1983 percentage distribution of women in each occupational category for all the corporations except Canada Post, which provided no historical data.

There has been almost no change in the distribution of women among the occupational groups from 1978 to 1983. In 1978, for example, just over eight of every 10 women were found in two occupations: clerical and service. In 1983, seven to eight of every 10 women were found in these same two occupations.

Women have traditionally been under-represented and continue to be under-represented in seven occupational categories that offer high work-related benefits, including better salaries and more career options. These areas are upper management; middle management; professional; semi-professional and technical operations; supervision of white-collar workers; supervision of blue-collar workers; and the skilled crafts and trades.

Where there appears to have been some improvement in the designated corporations is at the management and semi-professional and technical levels. Yet in six of the corporations, namely, Atomic Energy, Canadian National, de Havilland, Federal Business Development Bank, Petro-Canada, and Teleglobe, women remain practically unrepresented in upper management. In 1983, women constituted less than four per cent of upper-level management in the 11 corporations. In numerical terms, of 1,639 upper-level managers, only 61 were women, of which 43 are found at two corporations, Canada Mortgage and Housing Corporation and Canadian Broadcasting Corporation.

The picture is much the same for middle management. In 1978, at Canadian Broadcasting Corporation and Canada Mortgage and Housing Corporation, an average of 11 per cent of middle managers were women. By 1983, that figure had doubled to 22 per cent. But in eight other corporations (all others except Canada Post), the average increase was less than three per cent.

There are a number of reasons some corporations show more improvement than others in this area. Results appear to depend on

## Table 2

## Percentage Representation of Women in the 12 Occupational Categories, 1978 and 1983

| | Air Canada | | Atomic Energy | | Canada Mortgage and Housing Corporation[1] | | Canada Post[2] | | Canadian Broadcasting Corporation | | Canadian National | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Occupational Groups | 1978 | 1983 | 1978 | 1983 | 1977 | 1983 | 1978 | 1983 | 1978 | 1983 | 1978 | 1983 |
| Upper-level Managers | 1.1 | 3.0 | 0 | 0.9 | 0 | 7.8 | n/a | 4.7 | 2.8 | 5.6 | 0.3 | 1.2 |
| Middle Managers | 6.3 | 7.7 | 0 | 1.5 | 14.0 | 33.4 | n/a | 6.1 | 9.0 | 14.0 | 0.7 | 2.1 |
| Professionals | 0.4 | 0.9 | 2.4 | 6.2 | 8.8 | 16.8 | n/a | 4.0 | 16.2 | 19.3 | 1.5 | 1.5 |
| Semi-professionals and Technicians | 17.9 | 20.1 | 7.1 | 13.7 | 4.6 | 13.5 | n/a | 19.9 | 21.4 | 24.1 | 4.4 | 9.1 |
| Supervisors | 10.9 | 18.6 | 35.9 | 47.8 | n/a[3] | 82.2 | n/a | 49.5 | — | — | 6.4 | 8.1 |
| Foremen/women | 0 | 0 | 0 | 0 | — | — | n/a | 7.7 | — | — | 0.8 | 0.3 |
| Clerical Workers | 77.9 | 76.4 | 79.2 | 84.9 | 83.8[3] | 90.6 | n/a | 84.9 | 73.3 | 74.4 | 27.9 | 33.4 |
| Sales Workers | 6.2 | 11.7 | — | — | — | — | n/a | 22.0 | 59.1 | 67.7 | 3.3 | 3.8 |
| Service Workers | 71.5 | 71.7 | — | — | — | — | n/a | — | 71.4 | 100.0 | 30.0 | 26.4 |
| Skilled Crafts and Trades Workers | 0.1 | 0.4 | n/a | n/a | — | — | n/a | 0.5 | 7.6 | 9.1 | 0.1 | 0.2 |
| Semi-skilled Manual Workers | 4.3 | 5.6 | | | n/a | 20.5 | n/a | 26.2 | 0.2 | 1.0 | 0.4 | 0.7 |
| Unskilled Manual Workers | — | — | | | — | — | n/a | 1.9 | 25.0 | 31.6 | 3.3 | 5.0 |

1 Canada Mortgage and Housing Corporation provided 1977 data. Export Development provided 1981 data.
2 Canada Post provided no historical data.
3 Canada Mortgage and Housing Corporation grouped supervisors with clerical workers in 1977.
— No employees in this category in this corporation.
n/a Data not available.

**Table 2 (Cont'd)**

| Occupational Groups | de Havilland | | Export Development Corporation[1] | | Federal Business Development Bank | | Petro-Canada | | Teleglobe | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1978 | 1983 | 1981 | 1983 | 1978 | 1983 | 1978 | 1983 | 1978 | 1983 |
| Upper-level Managers | 0 | 0 | 3.0 | 5.6 | 0 | 0 | 0 | 1.9 | 0 | 0 |
| Middle Managers | 1.4 | 1.6 | 0 | 6.4 | 2.0 | 5.9 | 0 | 5.8 | 2.5 | 7.5 |
| Professionals | 1.0 | 1.6 | 39.6 | 46.3 | 7.2 | 10.6 | 6.0 | 7.2 | 6.5 | 6.0 |
| Semi-professionals and Technicians | 6.7 | 6.5 | 47.6 | 42.9 | 34.3 | 30.5 | 30.7 | 27.1 | 11.1 | 15.4 |
| Supervisors | 7.0 | 9.3 | — | 38.2 | 50.0 | 66.7 | 61.5 | 18.5 | 31.3 | 50.0 |
| Foremen/women | 0 | 0 | — | — | — | — | 0 | 0.8 | 0 | 0 |
| Clerical Workers | 81.6 | 65.3 | 93.0 | 93.9 | 96.1 | 96.6 | 86.3 | 80.3 | 72.9 | 82.4 |
| Sales Workers | — | — | — | — | — | — | — | 2.1 | 10.0 | 16.7 |
| Service Workers | 0 | 0 | — | — | — | — | — | — | — | — |
| Skilled Crafts and Trades Workers | 0.3 | 0.2 | — | — | — | — | n/a | 0 | 0 | 2.6 |
| Semi-skilled Manual Workers | 0.8 | 1.2 | — | — | — | — | | 0.7 | 7.8 | 7.2 |
| Unskilled Manual Workers | 9.4 | 10.6 | — | — | — | — | | 5.1 | 2.9 | 25.7 |

the relative numbers of men and women in the internal labour pool in those corporations that recruit from within; the availability of qualified men and women in the external labour pool; and, most importantly, the commitment in each corporation to effective equal opportunity employment practices. But even where corporations have made significant gains, there are still only a small number of women in the economically rewarding jobs.

## Hirings

Of the 5,052 employees hired in the one-year period from 1982 to 1983, 27 per cent were women. Table 3 shows the percentage of women hired as permanent employees in all 11 corporations during a 12-month period.

About one in every three people hired at the middle-management level were women. The same was true at the semi-professional and technician level and at the supervisory level.

On the other hand, almost 1,100 people were hired during this 12-month period at the unskilled level, only 15 of them female. In the category of skilled work, 195 people were hired, only 14 of them female. Moreover, all 14 were hired by one corporation — the Canadian Broadcasting Corporation. In the semi-skilled category, 1,120 people were hired, only 101 of them female.

More than half of the women taken on permanently were hired for clerical positions. In some corporations, as many as eight or nine of every 10 women employed were hired for clerical positions, frequently the lowest-paid position in the corporation.

Whatever advances have been made, the 11 corporations still have far to go in providing equal employment opportunities for women. The female participation rate in categories offering the greatest economic opportunities in 1983 was generally low.

The male representation in those categories was:

- 96.3 per cent male in upper-level management;
- 89.5 per cent male in middle management;
- 92.1 per cent male in professional occupations;
- 83.5 per cent male in semi-professional and technical occupations;

## Table 3

## Hirings (Permanent Employees) in the Period Mid-1982 to Mid-1983

(% women)

| Occupational Groups | Air Canada | Atomic Energy | Canada Mortgage and Housing Corporation | Canada Post | Canadian Broadcasting Corporation | Canadian National |
|---|---|---|---|---|---|---|
| Upper-level Managers | 0 | 0 | 0 | 7.7 | 25.0 | 0 |
| Middle Managers | 0 | 0 | 35.0 | 12.5 | 32.0 | 0 |
| Professionals | 0 | 10.3 | 27.3 | 0 | 33.3 | 4.0 |
| Semi-professionals and Technicians | 70.8 | 20.8 | 25.8 | 23.6 | 33.3 | 14.3 |
| Supervisors | * | 0 | 72.7 | 72.0 | — | 30.0 |
| Foremen/women | * | * | — | 14.8 | — | 0 |
| Clerical Workers | 90.9 | 80.8 | 95.7 | 94.1 | 81.8 | 58.2 |
| Sales Workers | * | — | — | * | 85.7 | * |
| Service Workers | * | — | — | — | * | 36.7 |
| Skilled Crafts and Trades Workers | * | n/a | — | 0 | 24.6 | 0 |
| Semi-skilled Manual Workers | * | n/a | 13.3 | 46.7 | 0 | 1.2 |
| Unskilled Manual Workers | — | n/a | — | 23.1 | 0 | 0.8 |

* No employees hired in this category.
n/a Data not appropriate for inclusion.
— No employees in this category in this corporation.

## Table 3 (Cont'd)

| Occupational Groups | de Havilland | Export Development Corporation | Federal Business Development Bank | Petro-Canada | Teleglobe |
|---|---|---|---|---|---|
| Upper-level Managers | * | * | * | 11.1 | * |
| Middle Managers | * | 0 | * | 33.3 | 100.0 |
| Professionals | 0 | 28.6 | 16.7 | 9.5 | 9.1 |
| Semi-professionals and Technicians | 0 | 50.0 | 25.0 | 23.8 | 31.25 |
| Supervisors | 0 | 0 | * | 25.0 | * |
| Foremen/women | * | — | — | 0 | * |
| Clerical Workers | * | 98.3 | 83.3 | 63.6 | 100.0 |
| Sales Workers | — | — | — | 0 | * |
| Service Workers | * | — | — | — | — |
| Skilled Crafts and Trades Workers | 0 | — | — | 0 | 0 |
| Semi-skilled Manual Workers | 0 | — | — | 0 | * |
| Unskilled Manual Workers | * | — | — | 4.5 | * |

- 59.7 per cent male in supervisory (clerical, sales, and service) positions.

This does not represent a significant change from the male representation in 1978, when it was:

- 98.9 per cent male in upper-level management;
- 93.9 per cent male in middle management;
- 93.8 per cent male in professional occupations; and
- 89.8 per cent male in semi-professional and technical occupations.

Percentages of males in supervisory positions could not be calculated for 1978 because of a lack of data.

In addition to their low representation in the better-paid jobs, women were members of boards of directors at only five of the corporations in July, 1983, as Table 4 shows.

**Table 4**

**Female Representation on Boards of Directors — July, 1983**

| Corporation | Positions Filled | Number of Men | Number of Women |
|---|---|---|---|
| Air Canada | 13 | 12 | 1 |
| Atomic Energy | 13 | 13 | 0 |
| Canada Mortgage and Housing Corporation | 9 | 7 | 2 |
| Canada Post | 9 | 7 | 2 |
| Canadian Broadcasting Corporation | 11 | 10 | 1 |
| Canadian National | 11 | 11 | 0 |
| de Havilland | 10 | 10 | 0 |
| Export Development Corporation | 11 | 11 | 0 |
| Federal Business Development Bank | 13 | 13 | 0 |
| Petro-Canada | 15 | 14 | 1 |
| Teleglobe | 6 | 6 | 0 |

By June, 1984, three additional corporations had appointed women to their boards: Canadian National, which now has a female chairman, Export Development Corporation, and Federal Business Development Bank.

## Promotions

Women got 23.5 per cent of more than 12,100 promotions made in 10 of the corporations, as Table 5 shows. Data from Canada Post Corporation were unavailable.

## Terminations

Of the 15,500-plus employees laid off or terminated over a 12-month period in 10 corporations (there being no data from Canada Post), 80 per cent were in the male-dominated skilled crafts and trades and the semi-skilled and unskilled manual job categories. Of those laid off or terminated, 1,481 were women. Three-quarters of the lay-offs or terminations occurred at Canadian National.

## Income Distribution

Whatever other advances they may have made, women remain overwhelmingly concentrated in the lowest-paid occupations of every corporation.

The salary data collected by broad occupational group could not be used to draw conclusions about whether or not the corporations may have violated equal pay for equal value legislation. But inasmuch as salary reflects levels of skill, responsibility, and effort, the data can be used to determine whether women are consistently found at lower status levels in each corporation. They are.

Overall, fewer women than men make salaries above the midpoint for their job category. This is true in upper and middle management, in professional, semi-professional and technical jobs, in supervisory positions, and in clerical and semi-skilled manual work.

When women get into positions of greater responsibility, they do so at lower salary levels, as Tables 6, 7, and 8 illustrate. The only women above the salary midpoint in upper-level management were the eight women employed at the Canadian Broadcasting Corporation and the Canada Mortgage and Housing Corporation. In all other corporations, either there were no women in this category or, where there were, none received a salary above the midpoint. All 11

## Table 5

## Promotions (Permanent Employees) in the Period Mid-1982 to Mid-1983

(% women)

| Occupational Groups | Air Canada | Atomic Energy | Canada Mortgage and Housing Corporation | Canada Post | Canadian Broadcasting Corporation | Canadian National |
|---|---|---|---|---|---|---|
| Upper-level Managers | 4.3 | 0 | 17.9 | n/a | 0 | 0 |
| Middle Managers | 9.8 | 6.7 | 28.7 | n/a | 18.4 | 4.0 |
| Professionals | 0 | 11.1 | 8.3 | n/a | 33.3 | 2.4 |
| Semi-professionals and Technicians | 35.5 | 18.2 | 4.8 | n/a | 27.6 | 14.2 |
| Supervisors | 45.8 | 0 | 67.6 | n/a | — | 9.0 |
| Foremen/women | 0 | 0 | — | n/a | — | 1.5 |
| Clerical Workers | 74.2 | 69.6 | 95.8 | n/a | 75.8 | 44.5 |
| Sales Workers | 0 | — | — | n/a | 94.4 | 3.9 |
| Service Workers | * | — | — | n/a | * | 28.0 |
| Skilled Crafts and Trades Workers | * | 0 | — | n/a | 9.6 | 0.9 |
| Semi-skilled Manual Workers | * | 0 | 0 | n/a | 0 | 1.8 |
| Unskilled Manual Workers | — | 0 | — | n/a | * | 2.3 |

* No employees promoted in this category.
n/a Data not provided.
— No employees in this category in this corporation.

### Table 5 (Cont'd)

| Occupational Groups | de Havilland | Export Development Corporation | Federal Business Development Bank | Petro-Canada | Teleglobe |
|---|---|---|---|---|---|
| Upper-level Managers | * | 14.3 | 0 | 0 | * |
| Middle Managers | 0 | 20.0 | 0 | 33.3 | 0 |
| Professionals | 0 | 53.3 | 14.6 | 9.9 | 0 |
| Semi-professionals and Technicians | 28.6 | 0 | 31.0 | 36.8 | 21.5 |
| Supervisors | 0 | 59.1 | * | 16.7 | * |
| Foremen/women | * | — | — | 0 | 0 |
| Clerical Workers | 37.5 | 89.8 | 100.0 | 83.1 | 92.3 |
| Sales Workers | — | — | — | 0 | * |
| Service Workers | * | — | — | — | — |
| Skilled Crafts and Trades Workers | * | — | — | 0 | 0 |
| Semi-skilled Manual Workers | 0 | — | — | 0 | * |
| Unskilled Manual Workers | * | — | — | * | * |

corporations employed women at the middle-management level, but in five of these corporations no women received a salary above the midpoint.

Even where women dominate in numbers, as in clerical positions (women constitute about 63 per cent of employees in this category), they do not do as well as men. An examination of the data used to compile Table 9 shows that, on average, only 47 per cent earned a salary above the midpoint compared to 82 per cent of male clerical workers.

By 1983 only a minority (39 per cent) of supervisors' positions in the clerical, sales, and service occupations were held by women. As Table 10 shows, even where women have succeeded in obtaining supervisory jobs, they earn less than male supervisors in virtually every corporation.

## Part-Time Work

In the general labour force, part-time workers constitute about 15 per cent of those employed. Part-time work is almost nonexistent in the corporations that had relevant data. Such part-time work as was available was mainly accounted for by Canada Post. In the other corporations, availability varied between two per cent and none. One in every four women working in Canada works part-time, yet in these corporations few such options exist.

It is important to remember, however, that part-time work is not always an option voluntarily chosen and currently provides fewer job benefits and securities, as well as fewer options in career selection than does full-time work.

## Summary

The rate of change in the 11 corporations during the years 1978 to 1983 suggests that occupational segregation is tending to decrease. At the same time it is decreasing so slowly that, at the present pace, it will in some cases take several generations to reach even a 30-per-cent level of female representation in most occupational groupings.

## Table 6

### Men and Women Above the Salary Midpoint — July, 1983
### Upper-level Management

| Corporation | Minimum salary level* $ | Gender Distribution |  |  |  | Salary Distribution |  |
|---|---|---|---|---|---|---|---|
|  |  | Number of Men | Number of Women | % Men in this category | % Women in this category | % Men above midpoint | % Women above midpoint |
| Air Canada | $47,000 + | 193 | 6 | 97% | 3% | 17% | 0% |
| Atomic Energy | 52,000 + | 113 | 1 | 99 | 1 | n/a | 0 |
| Canada Mortgage and Housing Corporation | 35,300 + | 238 | 20 | 92 | 8 | 10 | 5 |
| Canada Post | 50,300 + | 61 | 3 | 95 | 5 | 13 | 0 |
| Canadian Broadcasting Corporation | 45,105 + | 386 | 23 | 94 | 6 | 50 | 30 |
| Canadian National | 39,000 + | 317 | 4 | 99 | 1 | 12 | 0 |
| de Havilland | 36,600 + | 45 | 0 | 100 | 0 | 31 | 0 |
| Export Development Corporation | 49,353 + | 34 | 2 | 94 | 6 | 18 | 0 |
| Federal Business Development Bank | 37,000 + | 73 | 0 | 100 | 0 | 3 | 0 |
| Petro-Canada | 65,040 + | 105 | 2 | 98 | 2 | 27 | 0 |
| Teleglobe | 60,260 + | 13 | 0 | 100 | 0 | 23 | 0 |

n/a Data not available.

* Dollar value of salary midpoint was not provided, merely numbers of men and women over the midpoint.

## Table 7

## Men and Women Above the Salary Midpoint — July, 1983 Middle Management

| Corporation | Salary range above the midpoint ($) | Gender Distribution | | | | Salary Distribution | |
|---|---|---|---|---|---|---|---|
| | | Number of Men | Number of Women | % Men in this category | % Women in this category | % Men above midpoint | % Women above midpoint |
| Air Canada | $46-64,000 | 1,033 | 86 | 92% | 8% | 25% | 9% |
| Atomic Energy | 55-66,000 | 332 | 5 | 99 | 1 | 39 | 0 |
| Canada Mortgage and Housing Corporation | 38-54,000 | 557 | 279 | 67 | 33 | 32 | 6 |
| Canada Post | 49-62,000 | 291 | 19 | 94 | 6 | 35 | 32 |
| Canadian Broadcasting Corporation | 44-55,000 | 936 | 153 | 86 | 14 | 47 | 31 |
| Canadian National | 57-89,000 | 1,459 | 32 | 98 | 2 | 7 | 0 |
| de Havilland | 44-65,000 | 60 | 1 | 98 | 2 | 42 | 0 |
| Export Development Corporation | 51-62,000 | 44 | 3 | 94 | 6 | 36 | 0 |
| Federal Business Development Bank | 47-69,000 | 143 | 9 | 94 | 6 | 18 | 0 |
| Petro-Canada | 66-90,000 | 226 | 14 | 94 | 6 | 43 | 43 |
| Teleglobe | 44-61,000 | 198 | 16 | 93 | 7 | 76 | 13 |

## Table 8

## Men and Women Above the Salary Midpoint — July, 1983
## Semi-professionals and Technicians

| Corporation | Salary range above the midpoint ($) | Gender Distribution | | | | Salary Distribution | |
|---|---|---|---|---|---|---|---|
| | | Number of Men | Number of Women | % Men in this category | % Women in this category | % Men above midpoint | % Women above midpoint |
| Air Canada | $27,000-35,000 | 477 | 120 | 79.9% | 20.1% | 73.4% | 63.3% |
| Atomic Energy | 28,500-44,000 | 1,605 | 254 | 86.3 | 13.7 | 45.6 | 6.3 |
| Canada Mortgage and Housing Corporation | 31,051-41,900 | 598 | 93 | 86.5 | 13.5 | 24.8 | 37.6 |
| Canada Post | 31,450-50,000 | 1,324 | 329 | 80.1 | 19.9 | n/a | n/a |
| Canadian Broadcasting Corporation | 45,550-78,300 | 2,315 | 737 | 75.9 | 24.1 | 68.7 | 35.7 |
| Canadian National | 30,000-48,000 | 4,401 | 440 | 90.9 | 9.1 | 53.3 | 32.7 |
| de Havilland | 33,500-44,300 | 388 | 34 | 91.9 | 8.1 | 26.6 | 8.8 |
| Export Development Corporation | 31,281-43,142 | 12 | 9 | 57.1 | 42.9 | 66.7 | 0 |
| Federal Business Development Bank | 34,860-55,780 | 187 | 829 | 69.5 | 30.5 | 23.0 | 7.3 |
| Petro-Canada | 50,688-83,016 | 912 | 339 | 72.9 | 27.1 | 8.3 | 2.4 |
| Teleglobe | 25,618-38,626 | 424 | 77 | 84.6 | 15.4 | 71.9 | 27.3 |

n/a Data not available.

## Table 9

## Men and Women Above the Salary Midpoint — July, 1983 Clerical

| Corporation | Salary range above the midpoint ($) | Gender Distribution | | | | Salary Distribution | |
|---|---|---|---|---|---|---|---|
| | | Number of Men | Number of Women | % Men in this category | % Women in this category | % Men above midpoint | % Women above midpoint |
| Air Canada | $16,500-32,000 | 402 | 1,304 | 23.6% | 76.4% | 56.5% | 16.8% |
| Atomic Energy | 22,500-32,000 | 168 | 948 | 15.1 | 84.9 | 25.0 | 5.0 |
| Canada Mortgage and Housing Corporation | 17,842-24,284 | 146 | 1,411 | 9.4 | 90.6 | 51.4 | 54.8 |
| Canada Post | 20,250-28,500 | 352 | 1,980 | 15.1 | 84.9 | n/a | n/a |
| Canadian Broadcasting Corporation | 23,372-34,600 | 734 | 2,136 | 25.6 | 74.4 | 76.7 | 80.7 |
| Canadian National | 22,000-34,000 | 5,450 | 2,733 | 66.6 | 33.4 | 91.5 | 71.0 |
| de Havilland | 24,000-27,200 | 108 | 203 | 34.7 | 65.3 | 100.0 | 100.0 |
| Export Development Corporation | 20,118-26,500 | 15 | 229 | 6.1 | 93.9 | 13.3 | 40.6 |
| Federal Business Development Bank | 19,400-29,400 | 23 | 659 | 3.4 | 96.6 | 8.7 | 14.3 |
| Petro-Canada | 25,212-42,420 | 326 | 1,329 | 19.7 | 80.3 | 88.0 | 12.0 |
| Teleglobe | 25,618-38,626 | 59 | 277 | 17.6 | 82.4 | 47.5 | 31.0 |

n/a Data not provided.

## Table 10

## Men and Women Above the Salary Midpoint — July, 1983 Supervisors

| Corporation | Salary range above the midpoint ($) | Gender Distribution | | | | Salary Distribution | |
|---|---|---|---|---|---|---|---|
| | | Number of Men | Number of Women | % Men in this category | % Women in this category | % Men above midpoint | % Women above midpoint |
| Air Canada | $27,000-35,000 | 513 | 117 | 81.4% | 18.6% | 79.1% | 63.3% |
| Atomic Energy | 30,000-43,000 | 72 | 66 | 52.2 | 47.8 | 48.6 | 1.5 |
| Canada Mortgage and Housing Corporation | 22,466-25,532 | 69 | 319 | 17.8 | 82.2 | 81.2 | 70.9 |
| Canada Post | 32,500-50,000 | 3,596 | 3,528 | 50.5 | 49.5 | n/a | n/a |
| Canadian Broadcasting Corporation | — | — | — | — | — | — | — |
| Canadian National | 20,500-47,000 | 1,770 | 157 | 91.9 | 8.1 | 70.5 | 14.7 |
| de Havilland | 39,950-47,300 | 68 | 7 | 90.7 | 9.3 | 41.2 | 42.9 |
| Export Development Corporation | 35,107-50,562 | 42 | 26 | 61.8 | 38.2 | 71.4 | 38.5 |
| Federal Business Development Bank | 29,335-44,170 | 6 | 12 | 33.3 | 66.7 | 50.0 | 0 |
| Petro-Canada | 46,260-69,480 | 229 | 52 | 81.5 | 18.5 | 15.7 | 13.5 |
| Teleglobe | 31,320-44,541 | 13 | 13 | 50.0 | 50.0 | 46.2 | 23.1 |

n/a Data not available.
— No employees in this category in Canadian Broadcasting Corporation.

## EMPLOYMENT POLICIES AND PRACTICES

Part II of the questionnaire sought information on human resource systems within the corporations and on measures to increase the participation of the designated groups.

The human resource management of an organization is accomplished through a number of interdependent systems that include staffing, training, management development, compensation and rewards, human resource and succession planning, and performance appraisal and evaluation. Each of the systems, as well as the organization's overall personnel policies, has the potential to be discriminatory.

### Equal Opportunity as a Corporate Policy

All 11 of the crown corporations indicated that it was one of their corporate objectives to have equal employment opportunities available, particularly for women. Equal opportunity was defined generally as the belief that people should be given equal access to career choice and mobility across organizational levels.

In most cases, the objective was expressed as a prohibition against discrimination on specified grounds in much the same language as is found in human rights legislation. Four of the corporations have, in addition, developed meaningful strategies and have allocated resources to carry out their policies. These four are the Canada Mortgage and Housing Corporation, the Canadian Broadcasting Corporation, the Export Development Corporation, and Air Canada. In addition, Canada Post, Petro-Canada, Atomic Energy, and Canadian National have formulated programs which, when implemented, will likely dramatically affect the equitable participation of women.

In a major study of 265 large corporations in the United States, the Conference Board found that "...when presented with a 'laundry list' of twenty-three factors (plus room to add more) and asked to number from one to 10 those they considered to have made the greatest contribution to the overall success of the company [affirmative action] efforts... commitment of the Chief Executive Officer 'ranked second'." The existence of federal laws and regulations was the number one factor.[7] The importance of this commitment from the chief executive officer was confirmed by the Canada Mortgage and Housing Corporation and the Export Development Corporation, both of which ranked high among the crown corporations in representation of women. In both these corporations, line managers must report directly to the chief executive officer on their progress in achieving targets.

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[7] Shaeffer, Ruth Gilbert, and Lynton, Edith F. *Corporate Experiences in Improving Women's Job Opportunities*. Toronto: Conference Board of Canada, 1979.

When asked to identify other equal opportunity measures within their corporations that had been successful in improving employment opportunities for women, the designated corporations stressed that setting internal corporate goals and having periodic reviews as part of overall human resource planning were effective.

Most corporations cited the Report of the Royal Commission on the Status of Women, published in 1970, and the provisions of the Canadian Human Rights Act as the primary reasons for an increased awareness of the need to become more sensitive to the participation of women within corporations. Most of the initiatives undertaken by crown corporations, however, were in response to requests from government for information on employment opportunities for women. Until the Year of the Disabled in 1981, and some recent requests from agencies with respect to native people, the participation rates of the other three designated groups tended not to receive any significant amount of attention from these corporations.

## Equal Opportunity Programs

Of real importance to the four designated groups are the steps, if any, taken or planned by the corporations to act on their equal opportunity goals. These steps include special measures to ensure access to the corporations by members of the groups and, once employed, their access to a full range of opportunities within the corporation. The steps must counter both discriminatory treatment by managers and other decision-makers and the adverse impact of particular employment systems.

What is striking is the diversity of approach among the corporations. Some have undertaken a review of recruitment practices. Others provide training in such staffing procedures as interviews, both to comply with human rights legislation and to remove discriminatory barriers involved in employee selection. Some have sessions to make employees aware of discriminatory practices. Job descriptions and application forms have been overhauled to eliminate sex-based language and requirements not essential for a particular position. Internal job posting systems have been expanded, and application forms have been modified to include a section on volunteer experience.

In some cases, contacts have been established with supply institutions with a view to increasing the participation of women, particularly in non-traditional jobs. There have been active efforts to recruit members of the designated groups by portraying them in corporate advertising and by establishing outreach programs. In other cases, the participation rates for women have been tracked on a regular basis to see where women are moving, if at all, within the corporation. Certain corporations have recruited women and upgraded their skills on the job to ensure they have the qualifications for job opportunities that would otherwise be out of reach.

None of the corporations provide childcare facilities. Several have revised their benefit plans to eliminate discriminatory provisions. Some are modifying the requirement of geographic mobility.

The most successful of the corporations stressed the necessity for targets (goals and timetables) being set by the corporation. They also saw the need to make the achievement of equality objectives part of a manager's performance appraisal, which in turn should be tied to a manager's benefits, such as income and promotion.

Canada Mortgage and Housing Corporation has implemented the most significant measures to provide equality of opportunity.

The provision of support systems, such as physical accessibility and technical aids for disabled persons, flexible work schedules and transportation for native people, language training for immigrant workers, and parental leave and childcare for women, are critical to ensuring access to employment, but are not generally available in the corporations.

There is a strong emphasis in all of the corporations on promotion from within. Only executive, professional, and secretarial positions tend to be recruited from outside. But when promotion takes place from within, it means that corporations having a homogeneous workforce tend to exclude members of the designated groups from the opportunity for middle and senior management positions.

Part II of the questionnaire showed that not only were most of the decision-making roles dominated by men, including representation on boards of directors and in upper-level and middle management, but the majority of corporate task forces dealing with strategic issues, such as the impact of technology, were also dominated by men. In all the corporations, members of the four designated groups were employed in job categories low in status and opportunity.

## CONCLUSION

A review of the employment practices and systems of the 11 designated corporations showed that those with human resource programs implemented specifically to counteract inequities are those that have been most successful in increasing the participation of women. Where there has been no corporate attention to equality issues, and they have been left to the natural forces of the marketplace, the result has been a perpetuation of the status quo, with no improvement for women, native people, disabled persons, or visible minorities.

Most of the corporations cited the recession as being primarily responsible for their inability to change dramatically the proportion of women, native people, disabled persons, and visible minorities in their workforces. Most of them, in fact, were in a period of either hiring freezes, lay-offs, or cutbacks.[8] In a shrinking employment context, there are fewer promotions, fewer employees leaving, and therefore fewer opportunities to alter the participation rates within a corporation. Nonetheless, where there was a corporate commitment to the increased participation of women, significant improvements in their participation continued through recessionary periods. The limited supply of qualified or trained members of designated groups was also cited by some corporations as affecting their hiring practices.

The chief executive officer of each of the 11 crown corporations acknowledged that legislated mandatory requirements were the most effective path to widespread equitable participation by the designated groups. All agreed that, at the very least, a public reporting requirement was essential. But they also agreed that reporting alone, without further legislation, would likely not operate as a sufficient incentive to deal intensely with the issue, particularly in a depressed economy. No business can be expected to engage voluntarily in the complete overhauling of its human resource planning when there are competitive financial considerations urging it not to make these expenditures of time and money.[9] The 11 chief executive officers suggested strongly, however, that the actual practices used to achieve equitable participation be left to each corporation.

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[8] For a study of the effects of the recession, see Jain, Harish C., and Sloane, Peter J. "The Impact of Recession on Equal Opportunities for Minorities and Women in the United States, Canada and Britain". Research and Working Paper Series No. 205. Hamilton, Ontario: Faculty of Business, McMaster University, 1983.

Although they see themselves as being on the corporate "cutting edge" by virtue of their crown status, and are willing to lead in the introduction of equitable employment practices, some of the designated corporations were mindful of their competition with the private sector. They persuasively argued the inadequacy of imposing mandatory requirements on only federal crown corporations, which employ about 1.8 per cent[10] of the Canadian workforce, particularly since most of them have employment practices as adequate or inadequate, as the case may be, as those found in the private sector. To single out crown corporations and hope for a spillover effect in the private sector is unfair — both economically to the crown corporations and practically to the individuals and groups who are expected to wait for the spillover to engulf them.

It is either public policy that equality in the workplace be implemented or it is not. If it is, it should be implemented wherever the government has jurisdiction. If it is not, it is unfair to single out a particular part of this jurisdictional territory for exemplary experimentation.

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[9] The "Affirmative Action Study", prepared by Complan Research Associates Ltd. for Canada Employment and Immigration Commission, showed that even in 1979, when economic conditions were better than those today, the employment of women and minorities got no or very little high-level attention in one-half of the firms surveyed. The report concluded that without mandatory requirements companies would not introduce comprehensive equitable employment practices. Complan Research Associates Ltd. "The Affirmative Action Study". Prepared for the Affirmative Action Division, Canada Employment and Immigration Commission. December, 1979, p. 14.

[10] As of March, 1984, Treasury Board estimated that as many as 225,000 people were employed by crown corporations. In July, 1983, Canada's total labour force numbered 12,172,000. (Statistics Canada. *The Labour Force: Unemployment Rates for the Full-Time and Part-Time Labour Force*. Catalogue No. 71-001 Monthly. Ottawa, August 1983, p. 16.)

# PART II

# IMPLEMENTING EQUALITY

# Chapter 4

# EDUCATION AND TRAINING

> "While there is disagreement regarding the exact nature of the link between training and education on the one hand, productivity and socioeconomic mobility on the other, it is generally conceded that they are related. All other things being equal, a labour force that is highly skilled will outperform one that is not. ... It is also essential to consider the importance of training in improving the prospects of those who experience difficulties in the labour market. ... The development of vocational skills can serve both the promotion of economic efficiency and the pursuit of a more equitable society."[1]

Education develops the skills that permit us to communicate, to interpret the messages others communicate, and to formulate opinions of our own. We learn through education to think and express our thoughts, and we learn facts upon which to base our reasoning. This first benefit of education, its role as a generator of skills of reasoning and articulation, is crucial in its ability to promote, among other things, a willingness to be open to the differences in others. Through proper education, we can learn not to make arbitrary judgements about people that disadvantage them unfairly.

A second function education performs is that it provides us with the more technical skills that ultimately translate into economic results. This type of education is a preparatory mechanism for entry into the marketplace. Combined with the skills of communication and reasoning which basic education is intended to develop, this aspect of learning teaches facts, methods, and systems to enable the performance of a job. A good education facilitates the ability to reason, communicate, and contribute to a personal state of economic well-being.

Jobs can realistically be made available only to those who are qualified to undertake them. No strategy designed to increase the participation of particular groups or individuals in employment systems can work unless the proposed employees have the skills to do the job.

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[1] Canada. Economic Council of Canada. *In Short Supply: Jobs and Skills in the 1980s*. Ottawa, 1982, p.79.

Although gaining these skills through education and training does not itself guarantee access to the labour force, it helps ensure that where there are jobs, a matching supply of qualified or qualifiable candidates is available.

Representatives of business told this Commission that in their opinion one of the major reasons women, native people, disabled persons and members of minorities were underrepresented across the full job spectrum was the scarcity of qualified candidates.

Often this scarcity is rooted in and reinforced by stereotyped assumptions about ability that operate in the school system and the workplace alike. The public must be educated to increase its level of tolerance and to allow its mythological and stereotypical assumptions about these groups to atrophy. This education focusses on attitudes and can expand the willingness of employers to hire from among traditionally excluded groups. But the extent to which discriminatory attitudes can be altered through education alone is limited. Any such efforts must be more than matched by changes in entrenched employment practices and behaviour.

There are jurisdictional barriers to the design and implementation of effective education and training programs. The potential trainee may slip easily between the cracks of the Constitution. Education is a provincial responsibility pursuant to section 93 of the Constitution. National economic development is a federal responsibility pursuant to section 91.[2] Both levels of government have different but overlapping objectives and responsibilities in the field of education and training. While the federal government makes significant financial contributions to education, the provinces control the curriculum and delivery of education and training programs.

Major financial contributions by the federal government to post-secondary education are made through the Established Programs Financing Act, by means of block funding transfer payments to the provinces, as well as through Employment and Immigration Canada's vocational training programs. For example, through the National Institutional Training Program, the federal government "purchases" training courses from the provinces or territories and provides allowances for trainees. In 1981-82, it spent $419.9 million on program seats in post-secondary institutions,[3] where the programs were offered.

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[2] *Constitution Act, 1867.*

[3] Canada. Employment and Immigration Canada. *Annual Statistical Bulletin 1981-82: Canada Manpower Training Program.* Ottawa, 1983, p.5.

The critical role education and training play in providing job opportunities is beyond dispute. Indeed, various departments, agencies, and commissions of the federal government have made the point in study after study in recent years. The Commission of Inquiry on Educational Leave and Productivity (1979), the Special Parliamentary Committee on the Disabled and the Handicapped (1981), the Parliamentary Task Force on Employment Opportunities for the '80's (1981), the Task Force on Labour Market Development (1981), the Economic Council of Canada in its report *In Short Supply: Jobs and Skills in the 1980s* (1982), the Labour Canada Task Force on Micro-Electronics and Employment (1982), the Skill Development Leave Task Force (1983), and the National Advisory Panel on Skill Development Leave (1984) have all underlined the need to allocate human and financial resources to the repair of educational deficiencies[4].

For women, the problem is not so much the level as the type of education; for native people, low levels of education are the major barrier; for disabled persons, low levels of education combine with a segregated education to become the hindrance; and for many from the minorities, education is nullified by an inability to speak English or French.

This chapter does not attempt to deal comprehensively with the educational system and the multitude of training courses and programs relating to each of the four groups. Rather, it concentrates on how education and training generally can help make them better able to compete for employment opportunities.

The economic disadvantages faced by members of the designated groups stem, in no small part, from deficiencies in their education. The amount of schooling a person gets has been called "the

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4. Adams, R.J.; Draper, P.M.; and Ducharme, Claude. *Education and Working Canadians: Report of the Commission of Inquiry on Educational Leave and Productivity*. Ottawa: Labour Canada, 1979; Canada. Parliament. House of Commons. Special Committee on the Disabled and the Handicapped. *Obstacles*, 1981; Canada. Parliament. House of Commons. *Work for Tomorrow: Employment Opportunities for the '80s*. Report of the Parliamentary Task Force on Employment Opportunities for the '80s, 1981; Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*. Report of the Task Force on Labour Market Development, Ottawa, 1981; *supra*, footnote 1; Canada. Labour Canada. *In the Chips: Opportunities, People, Partnerships*. Report of the Labour Canada Task Force on Micro-Electronics and Employment. Ottawa, 1982; Canada. Employment and Immigration Canada. *Learning a Living in Canada*, 2 vols. Report to the Minister of Employment and Immigration by the Skill Development Leave Task Force, Ottawa, 1983; National Advisory Panel on Skill Development Leave. *Learning for Life: Overcoming the Separation of Work and Learning*. Ottawa, Employment and Immigration Canada, 1984.

best readily observable predictor of how much a person earns".[5] Among the factors that may affect this cycle of educational disadvantage are the child's parents' socio-economic background[6] and frequently the child's gender.[7]

## CHILDHOOD EDUCATION

Almost from birth, people absorb cultural messages from their surroundings. Some of the strongest signals come from the school, a key progenitor of cultural and personal judgements, and many career choices made in later life reflect these signals consciously or unconsciously.

The school is society's instrument for preparing children for full participation in the community.[8] That is why, in the nineteenth century, we accepted the principle of compulsory, universally accessible public education. Schools prepare children for their metamorphosis into effective and productive adults. But advice about courses, the behaviour and status of available role models, formal or informal guidance counselling on careers, even the prevailing attitudes to differences — all these can be subtle or decisive instruments to alter the form this metamorphosis might otherwise take. They affect all the groups under study.

### Counselling

Though some teachers and guidance counsellors undoubtedly resist stereotyped thinking, their advice about courses and their suggestions for career or job choices are all too often swayed by the child's gender, race, ethnicity, or disability. They offer traditional suggestions, tending to encourage a restrictive rather than an expansive approach to educational options and reflecting less the real aptitude of the child than their own — often well-meant — perceptions of what the child, as a member of a particular gender or group, can or ought to do. Thus young girls, for example, may be steered away from mathematics or science courses, and members of minorities may find themselves diverted into the commercial or vocational stream.[9] At the same time, the curriculum and supporting texts may inadvertently be reinforcing the restrictive message.

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[5] Jencks, Christopher, and Bartlett, Susan, et al. *Who Gets Ahead?: The Determinance of Economic Success in America*. New York: Basic Books, 1979.

[6] Anisef, Paul, Paasche, J. Gottfried, and Turrittin, Anton H. *Is the Die Cast? Educational Achievements and Work Destinations of Ontario Youth*. Toronto: Ontario Ministry of Education/Ontario Ministry of Colleges and Universities, 1980; Anisef, Paul, and Okihiro, Norman (with Carl James). *Losers and Winners: The Pursuit of Equality and Social Justice in Higher Education*. Toronto: Butterworths, 1982, pp.100-103; Porter, John. *The Vertical Mosaic: An Analysis of Social Class and Power in Canada*. Toronto: University of Toronto Press, 1965, pp.186-187; Pike, Robert M. *Who Doesn't Get to University and Why! A Study on Accessibility to Higher Education in Canada*. Ottawa: Association of Universities and Colleges of Canada, 1970; Porter, Marion R., Porter, John, and Blishen, Bernard R. *Does Money Matter? Prospects for Higher Education in Ontario* (revised edition). Toronto: Macmillan of Canada; Ottawa: Institute of Canadian Studies, Carleton University, 1979.

[7] A 1973 study of Ontario Grade 12 students of high ability found that 82 per cent from the upper socio-economic levels expected to complete Grade 13, while only 59 per cent from the lower levels had this expectation. *Ibid*., Porter, Marion R., Porter, John, and Blishen, Bernard R., p. 65. But, refining the data, the study concluded that "the most deprived group in Ontario as far as educational opportunity is concerned are lower class girls, particularly those with high mental ability", p.94.

[8] *Wisconsin* v. *Yoder*. 92 S.Ct. 1526 (1972).

Many parents rely heavily on the judgement of school officials, who are assumed to have expertise in everything from standard aptitude testing to current labour market trends. Unfortunately, teachers get little training in identifying and eradicating bias in their assumptions. Equally unfortunate is the fact that few guidance counsellors are trained in "...labour-market information, sociology of work, vocational development theory and career education."[10]

It is obviously urgent that a realistic view of work, job prospects, and the role of education be communicated to students through both counsellors and teachers.[11] It is also imperative that provincial education ministries put more effort into helping teachers learn to fight stereotypes. A guidance counsellor's or teacher's opinion may be determinative in developing or underdeveloping a child's ambitions or economic potential. Job segregation, economic disadvantage, and psychological withdrawal may be the legacies of a teacher's or counsellor's uninformed and arbitrary miscalculation about a child's ability.

## Role Models

The influence of role models is subtle but often decisive. For example, there are few women in Canada in science and engineering. When one considers that, as recently as the mid-1970s, guidance counsellors were reluctant to advise girls to enter careers in math-related areas or the sciences,[12] this paucity of women is not surprising. Moreover teachers of science in the schools are primarily male.[13]

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[9] One study of West Indian students in a metropolitan high school found they tended to be discouraged from entering academically oriented programs. (Study by Subhas Ramcharam cited in Anisef, Paul, and Okihiro, Norman (with Carl James), *supra*, footnote 6.)

[10] Menzies, Heather. *Computer Technology and the Education of Female Students*. An Information Paper for the Canadian Teachers' Federation. Ottawa, 1982, p.7. Reference is to a 1980 study by the Canadian School Trustees' Association.

[11] *Ibid.*, p.8.

Even though the elementary school teaching profession is predominantly female, few of the key administrative positions in the schools are held by women. In Ontario, for example, where 71.6 per cent of elementary school teachers in 1982 were female, only 12.5 per cent of principals, only 18.9 per cent of vice-principals, and only 37.4 per cent of departmental and assistant heads were women.[14] At the secondary school level, where 32.4 per cent of the teachers were female, only 3.9 per cent of principals, only 9.1 per cent of vice-principals, and only 21.3 per cent of departmental chairmen, departmental heads, and assistant heads were women.[15]

This situation is troublesome on two levels. First, the student body perceives that positions of authority are male-dominated, which has a tendency to reinforce in children society's perceptions of women in exclusively supportive rather than authoritative roles. Secondly, the absence of women from the decision-making process may perpetuate discriminatory systems and approaches.

The scarcity of role models is no less a problem for members of the other designated groups, who may feel that the absence of co-members in positions of authority reflects the inappropriateness or impossibility of their aspiring to these positions. They may circumscribe their own job aspirations accordingly.

## Access to Education

The issue of equitable access to education must be seriously addressed for two of the groups under study — the disabled and native people.

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[12] Casserly, P.L. *An Assessment of Factors Affecting Female Participation in Advanced Placement Programs in Mathematics, Chemistry and Physics*. Report to the National Science Foundation 1975; Luchins, E.H. *Women Mathematicians: A Contemporary Appraisal*. Paper presented at the 1976 meeting of the American Association for Advancement of Science, Boston 1976. Both cited by Heather Menzies. *Ibid*, p.7.

[13] The proportion of women teaching science is higher at the elementary school level. Canada. Science Council of Canada. *Who Turns the Wheel? Proceedings of a Workshop on the Science Education of Women in Canada*. Ottawa, 1981, p.18.

[14] Speech by Ontario Deputy Premier Robert Welch, minister responsible for women's issues. Quoted in *The Toronto Star*, March 30, 1984, p.A7.

[15] *Ibid*; Ontario: Ministry of Education, memo of March 1984 providing updated figures for Ministry of Education. "A comparative analysis of Male/Female Staff in the Ontario Education System 1972-79". Toronto: Ministry of Education 1980.

Children who are disabled suffer tremendous disadvantages at the hands of the school system, partly because there is no consensus on whether separate facilities or integration into the public school system serves them better.

The key to maximizing options for disabled children, as for disabled adults, is the individual approach. In the United States, The Education of All Handicapped Persons Act[16] codifies the government's responsibility in the provision of education for disabled children. These children are entitled to free public education in the educational environment judged "least restrictive" in their particular circumstances. Segregated educational facilities have been held to be violations of constitutional guarantees if they result in a poorer quality of education.[17]

The range of systems and programs in Canada for disabled children must be increased. At the same time, better counselling is needed for parents about what choices are available.

Wherever possible, the disabled child should learn alongside children who are not disabled. This should be the rebuttable presumption. It may involve extra tutoring, the use of an attendant, or specially designed programs to supplement the classroom instruction. It will most certainly involve provincial ministries of education in putting more resources into facilities, aids, and teachers for disabled children. It may be unfair to place a disabled child in a regular class in the public school system without appropriate supports, since integration may come at the cost of learning. As the child falls further and further behind, confidence and motivation may ebb accordingly. Yet in many parts of Canada no special educational facilities exist for children with special needs, and to get a basic education they have to be separated from their major support centres — their families. Where integration is not feasible, instruction should be available close to home with as early an entry into the regular school stream as possible.

From the earliest age, disabled children should see themselves as part of the mainstream of society, and children who are not disabled should see them the same way. These enabling perceptions, carried into adulthood, have the power to affect, on both sides, expectations about the extent to which the community is and should be accessible and about standards of behaviour in the workplace, both for employers and employees.

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[16] *The Education of All Handicapped Persons Act 1975*, 20 U.S.C. paras. 1401-1461 (1976).

[17] *Brown* v. *Board of Education* 347 U.S. 483 (1954). See also *Pennsylvania Association for Retarded Children* v. *Pennsylvania* 334 F.Supp. 1257 (E.D. Pa., 1971), modified, 343 F.Supp. 279 (E.D. Pa., 1972); *Mills* v. *Board of Education* 348 F.Supp. 866, 878 (D.D.C., 1972).

For native children, the problem is severe because schools largely ignore their cultural differences. Native people have little input into what is taught or how it is communicated, and too few teachers are themselves native people. As recently as 1979, 73 per cent of the teachers in federal schools on reserves were not native.[18] Nor, in many cases, have the non-native teachers been adequately prepared to understand or cope with cultural differences.[19] The result is that a disproportionate number of the children do not progress beyond public school.[20]

Language in particular acts as a barrier to native students. Improved English/French as a Second Language training is needed;[21] at the same time, native languages should be used for teaching.[22] Such bilingual programs would greatly increase the number of native people able to serve their own communities.

Schooling for native people in their home communities must be expanded and strengthened. Native people have all too often had to leave their communities for schooling, particularly in the secondary grades:[23] in 1980-81, only 17.8 per cent of Status Indian high school students attended on-reserve schools.[24] This separation from family, community, and culture has not been conducive to success in the school system. Yet the funding, facilities, and maintenance of existing schools in Indian communities are demonstrably inferior to those of provincial schools, as has been acknowledged by the Department of Indian Affairs and Northern Development.[25] And, despite the federal government's official policy of Indian control over their own education, the Special Committee on Indian Self-Government concluded in its recent report that Indian bands still have limited influence over education in both Indian reserve schools and provincial schools.[26]

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[18] Frideres, James S. *Native People in Canada: Contemporary Conflicts*. (2nd ed.) Scarborough, Ontario: Prentice-Hall Canada, 1983, p.167.

[19] National Indian Brotherhood. *Indian Control of Indian Education — Policy Paper*. Ottawa, 1972, p.19; Northwest Territories Legislative Assembly. Special Committee on Education. *Learning: Tradition and Change — Final Report*. Yellowknife, 1982, p.31.

[20] In 1981, of the native population 15 and over (reporting single ethnic origin), 42.2 per cent of the males and 42 per cent of the females had less than a Grade 9 education. Of the native population aged 15 and over not attending school and reporting a multiple ethnic origin as well as a single ethnic origin, 52.4 per cent of the males and 52.3 per cent of the females reported less than a Grade 9 education. (Statistics Canada. Unpublished data from the 1981 Census.)

[21] See Northwest Territories Legislative Assembly. Special Committee on Education, *supra*, footnote 19, pp.95-97; Nishnawbe-Aski Nation Submission to the Commission of Inquiry on Equality in Employment. November 25, 1983.

[22] Northwest Territories Legislative Assembly. Special Committee on Education, *supra*, footnote 19, p.87.

[23] *Ibid.*, p.78.

[24] Canada. Indian Affairs and Northern Development. *Indian Education Paper, Phase I*. Ottawa, 1982, p.15.

The federal government gives financial support to provincial schools attended by Indian children through tuition agreements and capital-contribution agreements with provincial school boards or provincial governments. But Indian people have limited input into the negotiation of these agreements. On the other hand, where Indian people participate in and control education, there have been important benefits. Most significantly, the number of children graduating from school increases.[27]

More autonomy should be given to native people in the design and management of their own and their children's schooling so that more relevant and effective systems can be adopted. The aim should be to develop educational systems that permit but do not enforce cultural integration. Some will live on their reserves, some will not, but all wish to be economically productive. At the very least, their education should give them what they need to do this on their own terms.

For all designated groups, failure to be educated properly in the early stages of childhood almost inevitably prevents full societal or employment participation in later years. Our unwillingness to invest financial resources and creative energy in educational systems that accommodate the distinct and particular needs of the members of each of these groups inhibits their eventual ability to become full partners in the community.

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25. *Ibid.*, pp.3 and 22.

26. Canada. Parliament. House of Commons. Special Committee on Indian Self-Government. *Indian Self-Government in Canada*. Report of the Special Parliamentary Committee on Indian Self-Government. Ottawa, 1983, p.28

27. *Supra*, footnote 18, p.162; Union of Ontario Indians. Submission to the Commission of Inquiry on Equality in Employment. October, 1983. Appendix B.

Although schools cannot be held exclusively accountable for the decisions made by their graduates, neither can they escape their duty to provide full, fair, and bias-free information upon which students can base these decisions. By limiting, however unintentionally, the choices they enable their students to make, they limit the human resources society expects them to produce. Society is deprived of fully participating adults, adults are deprived of the opportunity to maximize their talents and abilities. Everyone loses.

It is unfair and unwise, however, to concentrate exclusively on the schools in attempting to confront stereotypes that circumscribe an individual's economic prospects. Society too has changes to make which are no less urgent. Those changes external to the education process are parallel but must work in tandem. Changes in the schools are slow to yield results. External changes produce both more immediate results and a favourable climate in which the products of the school system can flourish.

## POST-SECONDARY EDUCATION

In Canada, post-secondary education is available from community colleges, collèges d'enseignement général et professionnel (CEGEPs) in Quebec, technical training institutes, universities, and various institutions with adult and continuing education programs. Despite the wide range of diplomas, certificates, and degrees being offered to adults, however, of Canadians over the age of 15 and not attending school full time in 1981, 22.3 per cent have only an elementary school education and 42.3 per cent have only a fully or partly completed secondary school education. Twenty per cent have an elementary or secondary education plus further education in trades or at a community college (or at some institution other than an elementary or secondary school), while only 15.3 per cent have some university training. Only 8.2 per cent have a university degree.[28]

### Full-time Degrees and Diplomas

Today, half of university undergraduate degrees are awarded to females,[29] an increase from 38 per cent in 1971, as Table 1 shows.

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[28] Canada. Statistics Canada. Census of Canada 1981. *Population: School Attendance and Level of Schooling*. Catalogue No. 92-914 (Vol. 1 - National Series). Ottawa, January 1984. Table 1, p. 1-1.

[29] Women were first admitted to universities only at the end of the last century.

## Table 1

## Per Cent of Full-Time Degrees Awarded to Women 1971 — 1981

| Degree | 1971 | 1981 |
|---|---|---|
| BA | 38% | 50% |
| MA | 22 | 39 |
| PhD | 9 | 24 |

Source: Canada. Statistics Canada. *Education in Canada: A Statistical Review for 1981-82.* Catalogue No. 81-229 Annual. Ottawa, 1983, pp. 34, 35, 146.

But, although more women are earning degrees in "non-traditional" areas and professions, women still account for a high percentage of students in the traditional areas of education, languages, nursing, psychology, sociology, and social work and a much lower percentage in physics, engineering, and other mathematics and science areas.[30] Since considerably fewer girls than boys are studying advanced physics, chemistry, and mathematics in the high schools,[31] this is perhaps not surprising. Table 2 shows the differential increase of female representation among graduates of some professional and specialty university courses from 1972 to 1982.

Similar trends are evident in the community colleges as Table 3 shows. Women continue to receive most of their diplomas in the traditional areas of business secretariat, education, nursing and medical technology, community and social services, while they receive very few in the electronics and engineering areas. From 1971 to 1981, full-time female enrolment increased by 80 per cent compared with a 50 per cent rise in full-time male enrolment.[32]

Reliable post-secondary data on disabled persons are currently very limited. As for members of visible minorities, Tables 4 and 5 show that there is a wide range of educational level.

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[30] Canada. Statistics Canada. *Education in Canada: A Statistical Review for 1981-82.* Catalogue No. 81-229. Annual. Ottawa, 1983, pp. 69-72. See also Table 2 of this Report.

[31] *Supra*, footnote 13, p.23-24.

[32] Canada. Statistics Canada. *A Statistical Portrait of Canadian Higher Education From the 1960's to the 1980's: 1983 Edition.* Catalogue No. 81-X-502E Occasional. Ottawa, 1983, p.26. Cited by the Economic Council of Canada, *On the Mend: Twentieth Annual Review*, p. 84. Ottawa, Minister of Supply and Services, 1983.

## Table 2

## Female Graduates as a Percentage of Total BAs and First Professional Degrees by Selected Fields and Specializations

| | 1972-73 | 1981 | 1982 |
|---|---|---|---|
| *Agriculture and Biological Sciences* | | | |
| Agriculture | 18.1% | 34.6% | 38.6% |
| Biology | 32.8 | 45.1 | 46.4 |
| Household science | 99.0 | 97.2 | 97.0 |
| Veterinary medicine | 10.8 | 43.3 | 44.6 |
| Zoology | 24.9 | 36.9 | 41.8 |
| *Education* | | | |
| Education | 54.6 | 73.5 | 73.5 |
| Physical education | 39.3 | 49.7 | 52.9 |
| *Engineering and Applied Sciences* | | | |
| Architecture | 9.2 | 24.4 | 24.7 |
| Engineering | 1.2 | 6.3 | 7.2 |
| Forestry | 1.5 | 19.2 | 20.7 |
| *Fine and applied arts* | 60.4 | 63.1 | 64.1 |
| *Health Professions* | | | |
| Dental studies & research | 6.8 | 17.1 | 20.5 |
| Medical studies & research | 18.3 | 34.3 | 36.6 |
| Nursing | 96.9 | 94.9 | 97.1 |
| Pharmacy | 49.5 | 65.5 | 65.1 |
| Rehabilitation medicine | 90.8 | 89.4 | 90.6 |
| *Humanities* | | | |
| History | 34.4 | 44.3 | 46.8 |
| Languages | 65.3 | 73.3 | 76.2 |
| *Math and Physical Sciences* | | | |
| Mathematics | 30.1 | 34.0 | 30.9 |
| Chemistry | 20.8 | 29.6 | 29.7 |
| Geology | 9.2 | 19.6 | 25.1 |
| Physics | 9.8 | 11.3 | 11.5 |
| *Social Sciences* | | | |
| Commerce | 10.3 | 31.5 | 34.2 |
| Economics | 11.2 | 28.1 | 28.4 |

## Table 2 (continued)

## Female Graduates as a Percentage of Total BAs and First Professional Degrees by Selected Fields and Specializations

| | 1972-73 | 1981 | 1982 |
|---|---|---|---|
| Geography | 22.2 | 37.7 | 36.4 |
| Law | 13.9 | 35.8 | 37.6 |
| Political Science | 19.9 | 36.1 | 37.1 |
| Psychology | 55.2 | 70.8 | 72.8 |
| Social Work | 70.4 | 77.6 | 78.0 |
| Sociology | 51.7 | 67.9 | 67.8 |

Sources: Canada. Statistics Canada. *Education Statistics for the Seventies.* Catalogue No. 81-569 Occasional. Ottawa, 1984, Table 54; Canada. Statistics Canada. *Education in Canada: A Statistical Review for 1982-1983.* Catalogue No. 81-229 Annual. Ottawa, 1984, Table 10.

## Table 3

## Community College Diplomas Granted in Career Programs by Field of Study — Percentage of Women

| | 1977-78 | 1981-82 |
|---|---|---|
| Arts | 58.8% | 63.8% |
| Business/Secretarial | 99.7 | 99.7 |
| Management and Administration | 42.6 | 52.2 |
| Data Processing | 43.2 | 49.0 |
| Financial Management | 52.7 | 60.9 |
| Community and Social Services | 74.9 | 83.2 |
| Education | 77.8 | 81.2 |
| Engineering — architecture | 13.7 | 16.0 |
| Engineering — mechanical | 1.2 | 1.7 |
| Engineering — general | 6.7 | 10.1 |
| Medical/Nursing | 96.7 | 94.8 |
| Medical Treatment Technology | 80.0 | 76.9 |
| Natural Resources | 24.5 | 28.7 |
| Technology Chemical | 44.8 | 43.5 |
| Electrical/Electronic | 1.9 | 1.9 |
| Transportation | 6.0 | 2.5 |

Sources: Canada. Statistics Canada. *Education in Canada: A Statistical Review for 1981-82.* Catalogue No. 81-229 Annual. Ottawa, 1983, Table 9; Statistics Canada. *Education in Canada: A Statistical Review for 1982-83.* Catalogue No. 81-229 Annual. Ottawa, 1984, Table 9.

In 1981, slightly more than one per cent of native people had a university degree as compared to eight per cent of the population as a whole.[33] Concern has been expressed that native people are consistently being streamed into vocational training programs rather than university programs.[34] Poverty is the other probable determinant: many native people lack the resources to embark upon a post-secondary education. While Status Indians and Inuit receive allowances from the Department of Indian Affairs and Northern Development under its Post-Secondary Education Assistance Program to attend university or undertake long-term community college programs, Non-Status Indians and Métis must rely upon loan programs and bursaries.

One way of improving native people's access to community college and university education is through educational institutions developed primarily by and for native people. In Saskatchewan, at least four native post-secondary educational institutions successfully perform this function: the Gabriel Dumont Institute of Native Studies and Applied Research, the Saskatchewan Federated Indian College, the Saskatchewan Indian Cultural College, and the Saskatchewan Indian Community College. In Ontario, the proposed Ontario Indian Training College will be another positive contribution to this educational route.

The Saskatchewan Federated Indian College, which operates in conjunction with the University of Regina, not only has several hundred native students on campus but also offers classes on reserves. This is a model of the kind of decentralization needed to serve the large number of native people living in rural and remote areas who otherwise have to leave family and community if they are to obtain a post-secondary education.

The need for decentralization also underlies the recommendation of the Special Committee on Education of the Legislative Assembly of the Northwest Territories that an Arctic College be created to consist of several campuses in various parts of the Northwest Territories.[35]

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[33] Statistics Canada. Unpublished data from the 1981 Census.

[34] Inuit Tapirisat of Canada. *Within the South: Inuit Education, Training, Employment*. Ottawa, 1980, p.6; Union of Ontario Indians, *supra*, footnote 27, p.9.

[35] Northwest Territories Legislative Assembly. Special Committee on Education, *supra*, footnote 19. See, especially, p.138.

## Table 4

## Males 15 Years and over by Ethnic Group, Showing Percentage Distribution by Highest Degree, Certificate or Diploma — 1981

|  | Total Degree, Certificate, or Diploma | No Certificate or Diploma, and less than Gr. 9 | No Certificate or Diploma and Grs. 9 to 13 | High School Certificate or Diploma | Trade Certificate or other Diploma, Community College or some University | University Degree |
|---|---|---|---|---|---|---|
|  |  |  | Percentage Distribution: Male |  |  |  |
| Total* | 100.0 | 20.0 | 29.7 | 17.5 | 22.9 | 9.9 |
| British Isles | 100.0 | 15.6 | 34.4 | 17.0 | 22.7 | 10.3 |
| French | 100.0 | 25.9 | 23.6 | 20.1 | 23.0 | 7.4 |
| Other European | 100.0 | 23.7 | 27.6 | 14.9 | 24.0 | 9.8 |
| Indo-Pakistani | 100.0 | 8.9 | 21.3 | 16.2 | 24.0 | 29.7 |
| Indo-Chinese | 100.0 | 16.0 | 28.9 | 20.3 | 17.2 | 17.6 |
| Japanese | 100.0 | 10.8 | 24.6 | 20.5 | 23.8 | 20.4 |
| Korean | 100.0 | 4.0 | 22.5 | 21.8 | 16.8 | 34.8 |
| Chinese | 100.0 | 16.7 | 26.5 | 18.6 | 17.1 | 21.1 |
| Pacific Islands | 100.0 | 13.4 | 31.9 | 17.2 | 27.6 | 9.9 |
| Philippinos | 100.0 | 6.9 | 16.7 | 18.9 | 24.6 | 33.0 |
| Black | 100.0 | 9.7 | 28.7 | 16.5 | 31.4 | 13.7 |
| Native People | 100.0 | 42.2 | 35.8 | 7.7 | 12.7 | 1.6 |
| Central South American | 100.0 | 12.7 | 27.5 | 20.1 | 25.0 | 14.7 |

*Does not necessarily equal 100 per cent because of rounding.

Source: Canada. Statistics Canada. Unpublished data. 1981 Census.
(Ethnics reporting single origin only.)

## Table 5

## Females 15 Years and over by Ethnic Group, Showing Percentage Distribution by Highest Degree, Certificate or Diploma — 1981

| | Total Degree, Certificate, or Diploma | No Certificate or Diploma, and less than Gr. 9 | No Certificate or Diploma and Grs. 9 to 13 | High School Certificate or Diploma | Trade Certificate or other Diploma, Community College or some University | University Degree |
|---|---|---|---|---|---|---|
| | Percentage Distribution: Female | | | | | |
| Total* | 100.0 | 20.8 | 31.7 | 21.3 | 20.0 | 6.2 |
| British Isles | 100.0 | 13.9 | 38.0 | 20.6 | 21.1 | 6.3 |
| French | 100.0 | 28.1 | 23.8 | 24.6 | 19.3 | 4.2 |
| Other European | 100.0 | 27.0 | 29.5 | 18.7 | 18.5 | 6.3 |
| Indo-Pakistani | 100.0 | 21.3 | 22.6 | 18.1 | 19.7 | 18.2 |
| Indo-Chinese | 100.0 | 27.4 | 27.2 | 17.8 | 14.6 | 13.1 |
| Japanese | 100.0 | 11.5 | 25.4 | 26.2 | 23.7 | 13.2 |
| Korean | 100.0 | 13.1 | 25.3 | 27.2 | 18.2 | 16.2 |
| Chinese | 100.0 | 27.6 | 24.6 | 19.9 | 16.3 | 11.6 |
| Pacific Islands | 100.0 | 19.7 | 32.9 | 19.7 | 20.5 | 6.9 |
| Philippinos | 100.0 | 10.0 | 13.3 | 16.4 | 25.5 | 34.9 |
| Black | 100.0 | 13.7 | 31.4 | 18.4 | 29.8 | 6.7 |
| Native People | 100.0 | 42.0 | 37.2 | 8.7 | 10.9 | 1.1 |
| Central South American | 100.0 | 18.9 | 25.3 | 20.8 | 24.6 | 10.5 |

*Does not necessarily equal 100 per cent because of rounding.

Source: Canada. Statistics Canada. Unpublished data. 1961 Census.
(Ethnics reporting single origin only.)

Although women are still underrepresented in universities as faculty members,[36] they are increasingly represented in student bodies. So long as the entrance standards in universities are reasonable and non-discriminatory, and so long as these schools are sensitive to the need to encourage the enrolment of qualified individuals in specific groups whose admission levels seem anomalous, these institutions should be enlisted rather than regulated in the development of practices intended to widen accessibility to students in the designated groups who are qualified or qualifiable. This includes, for example, creative recruitment policies to attract a wide range of students, particularly in courses or professions in which they are underrepresented.[37]

Those post-secondary institutions and programs mandated to respond directly to the needs of the labour market in their vocational training should be required to take measures to improve the equitable participation rates for members of designated groups in those courses in which they are underrepresented.

### Part-time Education

Part-time, post-secondary education has always been an important avenue for people needing to upgrade and retrain; in the past decade it has become even more significant, especially for women.[38]

Colleges and universities are the major agents of credit level adult education. Data from some community colleges indicate that part-time enrolment in some community colleges is double and triple the full-time enrolment, and data from universities show a similar surge in part-time studies.[39] A recent Statistics Canada survey suggests that part-time university students may be "tomorrow's majority".[40] Both the phenomenal growth in their numbers and the profile of the part-time learners suggest that this sector could function as a major equalizer of educational opportunities.

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[36] Early this year the Commission on Canadian Studies reported that despite the increase in female university students during the 1970s, only 15.5 per cent of the full-time teaching staff at universities in 1980-81 was female. It also noted that little change had taken place in the past decade in female hiring, promotion, and tenure policies, and salary differentials between men and women. Symons, Thomas H.B., and Page, James E. *Some Questions of Balance: Human Resources, Higher Education and Canadian Studies*. Volume III of *To Know Ourselves: The Report of the Commission on Canadian Studies*. Ottawa: Association of Universities and Colleges of Canada, 1984, pp.190-201.

[37] The University of Saskatchewan's Native Law Program, which is designed to assist native people to qualify for law school, is a good example.

[38] Canadian Association for Adult Education, L'institut Canadien d'éducation des adultes. *From the Adult's Point of View*. Toronto, 1982, pp.13-14; Humphreys, Elizabeth, and Porter, John. *Part-time Studies and University Accessibility*. Ottawa: Department of Sociology, Carleton University, October, 1978, pp.44-47, 128-131; Pike, Robert M. "Part-time Undergraduate Studies in Ontario", in *Innovation in Access to Higher Education*. New York: International Council for Education Development, 1978, pp.52-54, 63-64. See also Waniewicz, Ignacy. *Demand for Part-Time Learning in Ontario*. Toronto: Ontario Educational Communications Authority/Ontario Institute for Studies in Education, 1976, p.12, p.17, p.19, pp.25-26, pp.41-42.

Data from community colleges are sketchy, but data from the universities make it clear that women in particular have taken advantage of part-time education. Between 1971 and 1981, while full-time enrolment of women aged 25 years or more increased by 70 per cent, part-time enrolment increased by 146 per cent. The corresponding figures for men were 35 and 55 per cent.[41] In 1981-1982, women constituted 59.9 per cent of part-time university students at the undergraduate level.[42]

Although they remain heavily concentrated in the arts and education fields, there is some movement into other areas. Between 1976-77 and 1981-82, the percentage representation of part-time female undergraduate students in the combined faculties of arts and education rose from 65.9 per cent in 1976-77 to 68.2 per cent in 1981-82.[43] In the same period, their representation among students in business and commerce rose from 22.6 per cent to 42.7 per cent.[44] A shift towards the general sciences, although not as dramatic, has also been noticeable: between 1976-77 and 1981-82 women's representation among part-time students of the sciences increased from 38.7 to 44.2 per cent.[45] When examining part-time enrolment data, it is important to remember that part-time students often have a more limited range of degrees available to them and have fewer opportunities for part-time study at more advanced levels and in a number of professions.

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[39] Between 1976-77 and 1981-82, full-time university undergraduate enrolments increased by 5.6 per cent, from 335,559 to 354,503, while part-time university undergraduate enrolments increased by 34.4 per cent, from 163,272 to 219,461. Canada. Statistics Canada. *Education in Canada: A Statistical Review for 1981-82. Supra*, footnote 30, pp.60-63. Community college data on part-time enrolment is not systematically collected; however indications point to high enrolments.

[40] Bélanger, R.; Lynd, D.; and Mouelhi, M. *Part-time Degree Students: Tomorrow's Majority?* Ottawa: Statistics Canada, November, 1982.

[41] Canada. Statistics Canada. *Update from the 1981 Census*. Vol.1. No.5 (May 15, 1983), p.2.

[42] *Supra*, footnote 39, p.63.

[43] *Ibid*., pp.62-63.

[44] In 1976-77, 4,882 women were enrolled part-time in business and commerce, compared to 13,654 in 1981-82. *Ibid*, p.62.

[45] In 1976-77, 2,904 women were enrolled part-time in the sciences, compared to 4,828 in 1981-82. *Ibid*, p.62.

The data indicate another phenomenon. Between 1971 and 1979, the percentage of post-secondary part-time students 30 years of age or older rose from 44 to 52 per cent.[46]

In general, the adequacy of access is governed by the level of financial support for part-time study; the location of the institutions offering part-time courses; their relative flexibility in scheduling classes; and their degree of commitment to adult education. In particular, the adequacy of access is limited by full-time residency requirements in some programs; lack of adequate counselling for adults; lack of childcare facilities on campus; and an absence of attendants, interpreters, and other support systems for handicapped students.

## ADULT BASIC EDUCATION: LITERACY AND LANGUAGE TRAINING

Adult Basic Education (ABE) may encompass upgrading, high school equivalency, and life-skill courses, as well as literacy training and English/French as a Second Language and can be available either full- or part-time. While current national data are not available, indications are that a significant amount of adult basic education goes on through a variety of agencies including school boards, voluntary associations, and community-based groups. There is no nationally coordinated policy on the provision of ABE, and funding for these programs varies from province to province.

The largest identifiable federal adult basic education program, funded and co-ordinated directly by the federal government, is the Canada Employment and Immigration Commission's (CEIC) Basic Training for Skill Development (BTSD). It should be noted that as a result of policy changes in the late 1970s, this program was altered to concentrate on people with higher levels of education. In addition, the 1982 National Training Act,[47] with its concentration on critical skills, further emphasized the federal government's reluctance to focus support directly on traditional adult basic education at the lower levels.

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[46] *Supra*, footnote 40, p. 12.

[47] S.C. 1980-81-82-83, C. 109.

A fuller discussion of CEIC programs as they relate to preparing people for more equitable participation in the labour force can be found later in the chapter under training. This section concentrates on literacy and language training.

## Literacy Training

Many skilled jobs and many programs to teach skills require at least a Grade 10 level of education; moreover, it is not unusual for employers to demand a Grade 12 education. As technological innovations eliminate jobs traditionally held by the less well-educated, and jobs are created with more sophisticated tasks, entry requirements can be expected to keep on climbing.

Only two decades ago, a widely used definition of functional illiteracy was less than five years of schooling.[48] By the 1981 Census, the definition had broadened to include those with less than a Grade 9 education. This resulted in the finding that "...about one-fifth of the population have not attained a level of schooling which some experts consider to be a minimal level of educational ability needed to function in our word-oriented information society".[49] According to Statistics Canada, 3,664,760 adults — or 22.3 per cent of Canadians 15 years of age and older and not attending school full time — had less than a Grade 9 education.[50] In 1981, 4.7 per cent or 775,650 of the adult population 15 years of age and older and not attending school full time had even less than a Grade 5 education.[51] There is much regional and provincial variation in the location of undereducated Canadians.[52]

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[48] Dickinson, Gary. "Educationally Disadvantaged Adults in Canada", *Adult Literacy and Basic Education* (Summer, 1978), p.84.

[49] Canada. Statistics Canada. *Update from the 1981 Census* (March 1, 1983), p.14. Organizations such as the Canadian Association for Adult Education have considered the equivalent of at least the eighth grade as necessary for functional literacy.

[50] *Supra*, footnote 28.

[51] *Ibid*, Table 2, p.2-1.

[52] Data from the 1981 Census show that the problem of illiteracy is most severe in the Northwest Territories, Newfoundland, New Brunswick, and Quebec. *Supra*, footnote 28, Tables 1 and 2. In 1981, nearly 70 per cent of the population not attending school with less than Grade 9 lived in Ontario and Quebec. In Ontario, however, only 17.4 per cent of the provincial population had less than a Grade 9 attainment, while for Quebec the proportion was nearly 27 per cent. Furthermore, while 3.2 per cent of the total population with less than Grade 9 was located in Newfoundland, this represented 30.4 per cent of that province's total population. Thus two aspects must be considered: the distribution of the under educated population among provinces, and the proportions of provincial populations that are under educated. (Canada. Employment and Immigration Canada. *Adult Illiteracy in Canada: A Review of Recent Experience and Evidence*. Ottawa, May, 1984, p.17.)

Undereducated Canadians who are employed are mainly to be found in low-paying, potentially redundant jobs,[53] with limited, if any, access to vocational training courses. As individuals, they often lack the funds to undertake upgrading on their own. Yet without assistance they have little hope of improving their educational level.

In 1981, 42 per cent of the adult native population had less than a Grade 9 education, twice the average for the Canadian population as a whole.[54]

Reliable national data on the literacy rates of disabled persons are not known.[55]

As a signatory to the United Nations Universal Declaration of Human Rights, Canada has pledged that "everyone has the right to education"; that "education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms"; and that, as a society, "it shall promote understanding, tolerance and friendship among all nations, racial or religious groups...".[56]

As well, Article 13(2)d of the International Covenant on Economic, Social and Cultural Rights requires that "fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education".

Despite these international commitments, and despite recent publications urging the federal government to address the issue of literacy,[57] no coordinated national effort has been mounted. The most dedicated efforts have been the work of small, isolated volunteer organizations across the country, most of which have been critically underfunded.

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[53] Stoodley, Noel. *Problems Faced by Workers in the Prairie Region and Territories whose Access to Future Education and Employment is Affected by their Need for Basic Adult Education*. Background Paper 21. Skill Development Leave Task Force. Ottawa: Employment and Immigration Canada, 1983, p. 16-17.

[54] Canada. Statistics Canada. Unpublished data from the 1981 Census.

[55] Thomas, Audrey M. *Adult Illiteracy in Canada: A Challenge*. Occasional Paper No. 42. Ottawa: Canadian Commission for Unesco, 1983, p. 102.

[56] Article 26(1).

[57] Adams, R.J.; Draper, P.M.; and Ducharme, Claude. *Education and Working Canadians*, *supra*, footnote 4. Canada. Parliament. House of Commons. *Work for Tomorrow: Employment Opportunities for the '80s*; National Advisory Panel on Skill Development Leave. *Learning for Life: Overcoming the Separation of Work and Learning*, *supra*, footnote 4.

Before 1978, the federal government offered its major program for academic upgrading from functional illiteracy levels through Employment and Immigration's Basic Training for Skill Development program. At that time, the Basic Training for Skill Development program offered academic upgrading leading to employment or entrance to skill courses at levels equivalent to 0-12 years of education. In the late 1970s, however, Basic Training for Skill Development began restricting its courses to Grades 7 to 12, thus reducing the opportunities for undereducated Canadians.

Provincial government initiatives in the field of literacy education are uneven. It is important to ensure that efforts in this area be supported by a permanent funding commitment and that literacy programs become fully integrated into provincial programs rather than remaining as "... marginal and experimental activities".[58] Funding commitments must take into account the need for support services such as childcare and travel expenses.

A major responsibility for the provinces should be the development of formalized mechanisms for collaboration between various government departments involved in literacy and English/French as a Second Language. In addition, stable financial support for both national and local volunteer organizations involved in the field is needed.

Coordination should also extend to the development of centralized resource centres where materials relating to program content, teaching methods, and delivery systems can be collected. It is obvious, but also necessary, to point out that innovative delivery systems must be used to inform the undereducated about the existence of literacy programs.

## Language Training

Canada's multiculturalism policy, formulated in 1971, maintains, as its fourth objective, that "the Government will continue to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society''.[59]

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[58] *Supra*, footnote 55, p.88.

But as one writer has observed: ''An over-emphasis upon the short-run economic integration of adult...immigrants overlooks the need for longer-term services designed to facilitate social integration. Failure to implement such programs now will generate greater economic and social costs later. Multiculturalism cannot be bought cheaply.''[60]

A discussion of the merits of different types of education or of new employment opportunities is largely irrelevant for those people unable to speak and read either of Canada's two official languages. Submissions to the Commission from members of minority groups stressed the inaccessibility of language training as a barrier to equality in employment.

The Calgary Vietnamese Canadian Association, for example, said that, despite existing programs and good intentions, the federal and provincial governments seemed not to realize that ''language is a basic need just as shelter or food''. The association went on to say:

> The longer we have been in Canada, the more we become aware that language deficiency is, for all practical purposes, the paramount stumbling block preventing us from equal opportunity and full participation in the society.[61]

The Inter-Cultural Association of Greater Victoria, an umbrella organization for 37 ethno-cultural groups in Victoria, also emphasized the fundamental relationship between language ability and employment:

> ... one of the crucial factors holding visible minorities back from full and equal participation in the Canadian workforce (especially in the higher echelons and the jobs

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[59] Canada. Parliament. House of Commons. *Debates*. Statement of Prime Minister Trudeau. October 8, 1971. Quoted in Evelyn Kallen, *Ethnicity and Human Rights in Canada*. Toronto: Gage, 1982, p.166.

[60] Richmond, Anthony H. ''Canadian Unemployment and the Threat to Multiculturalism'', 17 *Journal of Canadian Studies* (Spring, 1982), p.90.

[61] Calgary Vietnamese Canadian Association. Submission to the Commission of Inquiry on Equality in Employment. October, 1983, p.6. Appendix B.

> of the future) is the lack of adequate language training for immigrants and their families. This is a factor that the Government of Canada is in a position to do something about: by funding, upgrading, and committing itself to provision of adequate levels of service to new Canadians, most of whom are new visible minorities wishing to master one or other of Canada's official languages.

And:

> The Government of Canada, if it wishes to offer effective assistance to visible minorities to participate equally in the Canadian workforce (especially at the professional and executive levels), must recognize that present policy on the provision of ESL [English as a Second Language] training is part of the problem.[62]

The Vietnamese and Chinese were prominent among the groups expressing serious concern about language acquisition. Many of the Vietnamese in Calgary arrived as refugees in 1979 and 1980, but "after four years of settlement, it is estimated that only about 20 per cent of Vietnamese Canadian adults can communicate in some kind of English for everyday transactions. As for those who can use their English to work or to pursue further education, the number is a tiny three to five per cent."[63]

A 1980 survey of Metropolitan Toronto immigrants who had been in Canada for more than three years found that half of the respondents felt the need for continued assistance in the areas of language or employment. The highest percentage of those reporting language difficulties had been born in China, Greece, Italy, and Portugal.[64]

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[62] Inter-Cultural Association of Greater Victoria. Submission to the Commission of Inquiry on Equality in Employment. October, 1983, pp. 12-15. Appendix B.

[63] *Supra*, footnote 61, p.3.

[64] Sharma, R.D. "Immigrant Needs in Metropolitan Toronto". Toronto: Ontario Council of Agencies Serving Immigrants, September, 1980, pp.30 and 32.
One-quarter of the sample indicated language problems, while almost one-quarter reported employment problems. The total number of persons responding was 429.

The importance of language acquisition to successful social, political, and economic integration into Canadian society is obvious.[65] But many problems in the delivery of this service exist. Some have to do with the availability of programs, the length of existing programs, the method by which candidates are selected, the quality of the training, and accessibility to the courses.

As in other areas of education and training, the problems are clouded by federal-provincial jurisdictional considerations. In the case of language training, moreover, two federal departments are involved. The Department of Secretary of State and the Canada Employment and Immigration Commission share responsibility for language training for new immigrants.

The program of the Department of Secretary of State is authorized by the Canadian Citizenship Act and the Multiculturalism Policy of 1971. This program is the smaller of the two, offers predominantly part-time courses aimed specifically at assisting newcomers to attain citizenship and adjust to Canadian society. Those who have already become citizens are deemed ineligible.[66] Costs are shared with the provinces and the training is delivered through a variety of agencies, including major educational bodies such as school boards and community colleges, government agencies, volunteer organizations, and community-based groups.

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[65] A recent federal proposal to revise immigrant language training programs states that language acquisition is "...one of [illegible] key factors in the effective settlement and integration of immigrants into Canadian society". (Canada. Employment and Immigration Commission. *A Discussion Paper on a New Framework for Immigrant Language Training*. Ottawa, 1983, p. 1 and 8.)

At the provincial level, Ontario and British Columbia have prepared discussion papers investigating the provincial delivery systems for English as a Second Language. In Quebec, the report of the Commission d'étude sur la formation des adultes recommended expansion of French-language training programs for immigrants. Quebec's language training program, which runs for 30 weeks, is already one of the longest programs in the country. (Selman, Mary. *English as a Second Language for Adults. Discussion Paper 04/79.* A Report to the British Columbia Ministry of Education, Science, and Technology. Vancouver, 1979; Sub-committee on Language Training of the Settlement Program and Planning Committee: An Intergovernmental Committee with representation from the Ontario and federal governments. "Consultation paper on the Delivery of English in Metropolitan Toronto". Toronto, 1981; Quebec. Commission d'étude sur la formation des adultes. *Learning: A Voluntary and Responsible Action. Summary Report.* Quebec: Government of Quebec, 1982, p. 49.)

[66] The *Citizenship Act*, S.C. 1974-75-76, C. 108, as amended, S.C. 1976-77 C. 52, s. 128(2), S.C. 1977-78, C. 22.

CEIC's program is offered under the National Training Act[67] and is "...intended to provide language skills mainly to adult immigrants, Canadian migrants and natives who are unable to find employment in their usual or related occupation because of a lack of knowledge of one of the official languages".[68] The program is generally provided on a full-time basis. The training is purchased from the provinces and delivered primarily through the community college systems, although there are provincial variations.

Most trainees are skilled labourers, though unskilled workers have recently been admitted. Income support systems generally are available to trainees enrolled in these programs.

These income support systems are, however, unavailable to sponsored "family class" or "assisted relative" categories of immigrants.[69] Women predominate in the adult "family-class" category. One of the requirements for admission to CEIC's language program is that the language training is necessary to obtain a job. For many immigrant women, this may result in job ghettos, since a lack of English or French does not prevent them from obtaining jobs in marginal sectors of the economy where English or French is not required.[70]

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[67] S.C. 1980-81-82-83, C.109.

Under the *National Training Act*, language training is possible in either of two broad programs, Industrial and Institutional. In practice, the Institutional language-training program, Canada's largest full-time program, is significantly larger than the Industrial one. In the context of other full-time Institutional training, language training is one of the smaller programs. In 1982-83, trainees in the language program accounted for 7.5 per cent of all Institutional full-time trainees (13,169 out of 174,424). Skill and apprenticeship training dominated the Institutional area. (Canada, Employment and Immigration. Canada. *Annual Report 1982-83*. Ottawa, 1983, p.67.)

[68] Language training for immigrants accounts for between 92 and 95 per cent of CEIC's total language training expenditures under the National Training Program. Canada. Employment and Immigration Canada. *A Discussion Paper*. *Supra*, footnote 65, p.5-6.

[69] This policy was recently reaffirmed. Canadian Employment and Immigration Commission. *A Discussion Paper*. *Supra*, footnote 65, p.17. Sponsored immigrants from the "family class" or "assisted relative" categories have been allowed into Canada on the understanding that they be supported by their sponsors.

[70] Arnopoulos, Sheila McLeod. *Problems of Immigrant Women in the Canadian Labour Force*. Ottawa: Canadian Advisory Council on the Status of Women, January, 1979, pp.33-35.

Of those enrolled in CEIC language training in 1981-82, only slightly more men than women were represented in language training (52.1 per cent male, 47.9 per cent female). Provincial differences are evident. Males make up at least 60 per cent of trainees in Newfoundland, Prince Edward Island, and Alberta. In Ontario, males make up a slightly higher percentage than women (51.7 per cent compared to 48.3 per cent). In Quebec, however, women make up a larger percentage (53 per cent compared to 47 per cent for men). (Canada. Employment and Immigration Canada. *Annual Statistical Bulletin 1981-82: Canada Manpower Training Program*. Ottawa, 1983, p.55.)

Part-time language training programs offered by the Department of the Secretary of State are available to these women, if they have not yet become citizens. A variety of other local part-time programs may also be available. Frequently, however, fatigue, and the knowledge that it will take four to five years to achieve fluency, causes them to drop out. The lack of childcare facilities is also a major deterrent.[71] Language training with the necessary incidental income allowances should be easily available to all immigrants who wish it, regardless of their labour market intentions or immigrant classification at the time of entry into Canada.

Immigrants who are restricted in their access to language training include men and women not immediately destined for the labour force,[72] those living in rural areas, those undereducated in the language of their country of origin, both men and women in full-time jobs, and those seeking further education.[73]

English- or French-language training at the workplace may not be a substitute for full-time courses for immigrants, but it does at least offer an opportunity to improve fluency.[74] There are examples of such arrangements for language training in the workplace in Canada organized and funded by government, industry, community groups, boards of education, unions, or a combination of these.[75] The potential that exists in the National Industrial Training Program for workplace language training could provide an opportunity to reach immigrants who have forgone language training due to immediate pressures to find employment. Poorly skilled women who accept ghettoized jobs, where they rarely have the opportunity to learn English or French, could be prime clients.

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[71] A recent study of all language training in Metropolitan Toronto indicated that only 21.5 per cent (75 out of 348) of the programs offered childcare. (Sub-committee on Language Training of the Settlement Program and Planning Committee: An Intergovernmental Committee with representation from the Ontario and federal governments, *supra*, footnote 65, Appendix: Distribution of ESL by Categories in Boroughs Including Childcare.)

A 1979 report by the Joint Task Force on Immigrant Women (Toronto: Ontario Ministry of Culture and Recreation, p.33) and the Greater Toronto Southeast Asian Refugee Task Force *Report* (1980, p.xi) recommended that all English as a Second Language classes provide childcare.

[72] The majority of this group are women. In 1982-83, of the 13,865 immigrants who needed language training and indicated they would not enter the labour market, 75 per cent were female. (Canada. Employment and Immigration Canada. Data from the Immigration 1000 system: A computerized data base of Immigration information, Ottawa, 1984.)

[73] Canada. Employment and Immigration Canada. *A Discussion Paper*. *Supra*, footnote 65, p.8.

[74] In Sweden, immigrant workers are permitted a certain number of paid hours off work annually for language training.

[75] A recent analysis of six such projects in four urban centres identified the following factors responsible for the success of programs: the commitment of all participants - management, teachers, workers - especially middle managers; sufficient time to design and offer a course to cover the needs identified; and the personality and experience of the teacher. Sauve, Virginia, "EWP: A Study of Six Projects in Alberta and Ontario", 13 *TESL Talk* No.4 (Fall, 1982), p.20.

While on-the-job programs should be encouraged, the real need is for changes in the overall language-training policy to provide more equal access for all immigrants, whether or not they state they are destined for the labour force.

Although the federal government provides funding for language-training programs, decisions relating to delivery and content are left to the provinces, resulting in wide differences in the quality and length of courses.[76] Adequate knowledge of a language takes no less than a year's training.[77] Income, transportation, and childcare allowances are essential for all categories of immigrants. A discussion of the defects in current training allowances appears in the next section of this chapter.

A new language-training framework is required and indeed has been recommended in a recent review by the two federal departments involved. Recommendations from this review include the provision of survival-level language training for all adult immigrants whether or not they are destined for the labour force, while those entering the labour market should acquire language ability "... to a level commensurate with their employment requirements, qualifications and aspirations". In addition, the discussion paper recommends the negotiation of a new umbrella agreement between the federal government and each of the provinces which would "... design the type of framework required to facilitate: needs analysis, priorization, co-ordination of service delivery, quality standards, and program evaluation".[78]

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[76] Quebec offers 30-week courses, while Ontario offers 24-week courses initially.

[77] The duration of basic level bilingual training for employees of the Public Service Commission of Canada who already speak one of Canada's official languages is 12 months at the highest level. *Official Languages in the Public Service of Canada: A Statement of Selective Policy Changes*. Prepared jointly by Treasury Board Secretariat and the Public Service Commission. Ottawa, 1981. p.16, section 4B. Recommendations made by the Commission d'étude sur la formation des adultes, *supra*, footnote 65, p.49; in Quebec, a province that already has one of the longest language training programs in the country, stated that full-time courses may need to be longer than the existing 30 weeks. The overall recommendation of this Commission proposed "...a comprehensive adult education policy which would advance the right of every adult to an education and that this would be guaranteed in law" (p.13).

[78] Canada. Employment and Immigration Commission. *A Discussion Paper*, *supra*, footnote 65, p.9-10.

Not all teachers in this area have had specific training in English/French as a Second Language. English or French immersion classes are not generally as successful for adult immigrants as those taught in the language of the immigrant. Some bilingual classes exist, but this approach should be expanded. Most courses are at the general proficiency level. Very few advanced courses, and almost no vocationally oriented ones, are available.[79] This means few opportunities exist for skilled or professional immigrants to acquire the level of expertise needed for employment in their field of specialty. An extended program should be available for these immigrants, some of whom need advanced levels of English/French to meet trades licensing requirements.[80] Consideration should also be given to replacing the time limitation on CEIC programs by a "desired competency level" goal.[81]

Bridging programs between the National Training Act's language program and skill training programs should also be investigated. A new type of course might combine skill acquisition with the vocabulary training in English/French needed to obtain a job in a particular area.

Another issue is the discretion a CEIC counsellor has in deciding whether or not someone is eligible for language training. These counsellors play a critical role in controlling access both to language training and to occupational opportunities. This discretion should be reduced significantly and should be counterbalanced by appeal provisions. Counsellors, wherever possible, should have expertise in the language and culture of new immigrants.

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79. Many of these findings were reinforced by the results of a 1981 analysis of all language training programs in Metropolitan Toronto undertaken by the Sub-committee on Language Training of the Settlement Program and Planning Committee, an Intergovernmental Committee with representation from the Ontario and federal governments, *supra*, footnote 65.

80. Some professional accreditation and licencing agencies require applicants to pass the Test of English as a Foreign Language (TOEFL) test before accreditation is awarded. The TOEFL test is also often a requirement for university entrance, either as a full-time or part-time student. A score of 500 on this test is required for accreditation by many professional associations and for entrance into many universities.

81. Kosonen, Robin D. *A Study of the Adult Education Needs of Non-English Speaking Chinese*. Prepared for the Vancouver School Board Career and Community Education Services and the Ministry of Education in co-operation with the Strathcona Manpower Outreach Project. Vancouver: Vancouver School Board Career and Community Education Services, 1981, p.15.

The process of settlement could begin prior to immigration by providing potential immigrants with employment and accreditation information.[82]

To assist highly skilled immigrants to become established as professionals, an agency is required to provide counselling services, advice on how to pursue professional accreditation, and language referral services.

Lack of awareness by immigrants of the range of language programs available and of the importance of learning one of the two official languages are both critical problems. There is insufficient publicity about the variety and type of community, school board, community college, university, voluntary, and government-run language programs.[83] Part of this may be attributed to short-term funding and the resulting instability of language programs offered.

## TRAINING

Three needs must be met simultaneously in the delivery of training programs. First, they must be relevant. Second, they must be effective. Third, they must be accessible.

The continuing fluidity of the economic base of the country causes dislocation for certain sectors, and the emergence of new requirements in others. Because of the dynamics of this transformation, it is sometimes difficult to assess what the nature of these new requirements might be. This creates difficulties for the architects of training and educational programs who must necessarily attempt to match training programs with prospective employment needs. This symbiosis is the essence of an effective training and educational strategy — generating a supply of qualified candidates to match the demands of existing or anticipated job opportunities. It requires the kind of careful and comprehensive planning that is made so difficult by a shifting market.

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82. In Australia, the Department of Immigration and Ethnic Affairs facilitates the assessment of the educational qualifications of migrants prior to their immigration by forwarding their credentials to the appropriate accrediting body for assessment.

83. A significant step in improving accessibility has been undertaken by some provinces through the publication of directories of English as a Second Language programs. *English as a Second Language/Dialect Directory of Services and Resources* is published by the Ontario Ministry of Culture and Recreation (now Citizenship and Culture), the Ontario Ministry of Education, and the Teachers of English as a Second Language (TESL) Association of Ontario, 1981.

Both the Task Force on Labour Market Development and the Parliamentary Task Force on Employment Opportunities for the '80s referred to the need for better labour market intelligence to define where training would be most relevant.[84]

It is imperative that in the development of training programs the needs of the existing and prospective markets are addressed. Training opportunities should, insofar as it is possible, match job prospects.

To do this effectively requires community and regional as well as national job forecasting. The emphasis should be on training that is locally rather than generally relevant and useful.

Labour market analysts, however, admit that even the most sophisticated projection systems are not totally adequate forecasters in emerging areas like microelectronics.[85] Furthermore, there is no consensus on what sectors of the economy are likely to experience the largest growth over the next decade.

The impact of technology lends urgency to the growing stress on generic training — training with a component of skills common to a number of occupations — as a means of making it easier to change jobs.[86]

Although a comprehensive training system requires a degree of flexibility, there is a tendency to call "flexible" what is in reality a diffuse and unstructured approach to training and education. Submissions to this Commission have made it clear that in the design and delivery of programs, more effort must be made to meet the particular needs of the designated groups. Many complained of the dizzying speed with which programs are revised, replaced, or renamed, making it exceptionally difficult to keep up with what is available.

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[84] Canada. Parliament. House of Commons. *Work for Tomorrow: Employment Opportunities for the '80s*, *supra*, footnote 4, pp.112-117; Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*, *supra*, footnote 4, pp.83-87.

[85] Humphreys, Elizabeth. *Technological Change and the Office*. Technical Study No. 17. Labour Market Development Task Force. Ottawa: Ministry of Supply and Services, 1981, p. 5. Canada. Labour Canada. *In the Chips: Opportunities, People, Partnerships*, *supra*, footnote 4, p.68.

[86] Smith, Arthur. *Generic Skills: Improving Transferability in Occupational Training*. Technical Study No. 34. Labour Market Development Task Force. Ottawa: Ministry of Supply and Services, 1981; Canada. Labour Canada. *In the Chips: Opportunities, People, Partnerships*, *supra*, footnote 4, pp.66-67.

There is especially a need for more on-the-job training,[87] training that is directly linked to a job,[88] "bridging" and pre-trades training,[89] and local instruction in the more remote regions of Canada. According to some of the people with whom the Commission met, there are insufficient numbers of training programs, resulting in waiting periods of up to two years. Where programs exist, they are designed to teach a "homogeneous" student body, ignoring the need for different forms of instruction for different designated groups.

Native people expressed concern over the depressingly common occurrence of being left without a job at the completion of a subsidized training or employment program. Time-limited wage and training subsidy programs should be re-examined to address this concern.

## National Training Act Programs

Canada's major government-supported vocational and industrial training programs, carried out under the National Training Act,[90] are the National Institutional Training Program and the National Industrial Training Program. The former succeeded the Canada Manpower Training Program and the latter the Canada Manpower Industrial Training Program. Both current programs are administered by CEIC.

The National Institutional Training Program has a number of components, the two largest being skill training and apprenticeship training. The first provides classroom training in a wide range of occupational skills. The second normally provides on-the-job training along with classroom training. In the latter case, the classroom training is funded through CEIC's National Institutional Training program while the on-the-job training may be supported by CEIC through a contractual agreement between CEIC and the employer.

The balance of the National Institutional Training Program consists of smaller, more general programs. Basic Training for Skill

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[87] Goldman, Barbara. *New Directions for Manpower Policy*. Montreal: C.D. Howe Institute, 1976, p.40; Canada. Parliament. House of Commons. *Work for Tomorrow: Employment Opportunities for the '80s*, *supra*, footnote 4, p.74; Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*, *supra*, footnote 4, pp.174-176; Canada. Labour Canada. *In the Chips: Opportunities, People, Partnerships*, *supra*, footnote 4, p.65.

[88] Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*, *supra*, footnote 4, p.105.

[89] *Ibid.*, pp.105-106.

[90] S.C. 1980-81-82-83, C.109.

Development is an educational upgrading course covering Grades 7 to 12. Basic Job Readiness Training teaches participants basic work skills, job search techniques, the setting of career goals, and skills useful in handling situations on the job. Work Adjustment Training places the person in a work situation (at CEIC's expense), provides counselling, and is directed to helping the participant develop good work habits and attitudes. Occupational Orientation provides practical experience in a variety of trades to assist participants in making choices. In addition, language training is available to those who need French or English in order to get and keep a job.

All adults without a university education are eligible, provided they have been out of school for at least 12 months. There are, however, efforts to assure inclusion of particular groups — most notably, women — at least in minimum numbers.

The second program under the National Training Act, the National Industrial Training Program, provides on-the-job training with private and public employers. Employers are reimbursed by CEIC for most of their training costs and part of the wages paid to trainees. These subsidies are usually available for up to 52 weeks under the General Industrial Training Program. Under the Critical Trade Skills Training Program, subsidies are available for up to 104 weeks.[91]

Despite the availability of subsidies, employers do not always take advantage of them.[92]

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[91] Under the *National Training Act*, S.C. 1980-81-82-83, C. 109, the Canada Employment and Immigration Commission may designate certain occupations as occupations of national importance if it is "satisfied that there is or will be a national or regional shortage of workers in that occupation sufficiently serious to justify special action" (Section 2(3)). This determination is made after consulting provincial governments, business, and labour organizations. Critical Trade Skills Training has involved occupations such as tool and die-making and industrial maintenance mechanics.

[92] Crawford, Trish. "$27 Million for Job Training Goes Unused". *The Toronto Star*, September 5, 1983, p.A1.

During the recession in 1982, when hirings were generally down, Ontario industries turned back $27 million in wage subsidies for apprenticeship training. As a result only one-half the quota of 8,000 trainees were signed up for training in critical skills trades.

Employers are usually reimbursed 50 per cent of a trainee's wages up to a maximum of $250 a week. Special provisions, however, are made for certain groups of trainees. Employers who train women in non-traditional jobs under either General Industrial Training or Critical Trades Skills Training may be reimbursed for 75 per cent of the trainee's wages. Employers who train persons with special needs, that is, persons who "have not been able to obtain or hold regular employment because of a social, physical or mental handicap" (Canada. Employment and Immigration Canada, *supra*, footnote 70, p.107), may be reimbursed for up to 85 per cent of the trainee's wage, but only under the shorter-term General Industrial Training. Native persons, as well as physically and mentally handicapped persons, fall into the "special needs" category.

Under the impetus of the National Training Act, training for adults in Canada has largely come to mean specialized or skill training. This concept of training may be useful for many, but it does not serve the urgent needs of the groups this Commission was established to consider. This is partly because specialized training requires the existence of core skills, which many lack. The inability to acquire these basic or core skills contributes to the perpetuation of economic disadvantage.

Most National Training Act programs generally require a Grade 8 education, many a Grade 10 or Grade 12,[93] especially for the technology courses. Provincial apprenticeships increasingly favour those with advanced levels of education,[94] making the programs inaccessible to undereducated Canadians, individuals for whom the need for training is acute. By relying on educational criteria instead of including the criterion of aptitude, many who could otherwise qualify are excluded.

Moreover, specialized education provides labour-market training for specific positions identified through an elaborate projection system. As long as the projection is accurate, the system is useful. But often it is not. People are then trained for specific jobs that are not there, or not there in sufficient number, by the time they graduate. Because the training is so specific, the training skills tend not to be portable. And thus is created a treadmill situation in which the trainee, having just graduated from one course in employment training, must enrol in another for a different job.

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[93] The educational level of those attending CEIC training programs is rising. In the industrial training sector those with 12 years of schooling or more represented 54.1 per cent of all those enrolled in 1981-82 as compared to 43.8 per cent in 1977-78. Those with eight years of education or less represented 10.1 per cent of those enrolled in 1981-82 as compared to 14.5 per cent in 1977-78.

A similar trend is reflected in the institutional training sector. In 1981-82, those enrolled with 12 years of schooling or more represented 36 per cent of all trainees as compared to 25.3 per cent in 1977-78. Those with eight years of schooling or less represented 16.4 per cent of all trainees in 1981-82 as compared to 24.4 per cent in 1977-78. (Canada. Employment and Immigration Canada, *supra*, footnote 70, p. 78, p. 53.)

This trend to high educational levels was evident even before the passing in 1982 of the *National Training Act*, with its increased emphasis on high skill training. The majority of nationally identified occupations under the NTA require a Grade 12 education.

[94] Adams, R.J.; Draper, P.M.; and Ducharme, Claude, *supra*, footnote 4, p.161.

Entrance to trades training often requires Grade 10, but in recent years employers have preferred applicants with post-secondary credentials as demand for apprenticeship positions has increased.

It is partly because of this risk that the whole concept of employment education and training has undergone a transformation in the thinking of experts in the area. According to the Organization for Economic Co-operation and Development, future social and economic development will increasingly depend on the possession by members of the labour force of both technical skills and a high level of judgement.[95] "Skill training", the OECD reports, "is coming to look more like the traditional view of 'education' and less like the traditional notion of instruction in how to carry out specific procedures."[96] In other words, people must be taught how to teach themselves. This transformation is of the sharpest relevance to the groups this Commission is charged to consider.

The purpose of core education is to teach mathematics, communication, interpersonal, reasoning, and problem-solving skills, all of which have been identified as fundamental, general-purpose skills. Core education prepares people for a wide range of work by equipping them to learn on the job.

## Women

The present programs offered by the National Training Program do not meet the needs of women, particularly older women, women with dependants, and women working in potentially redundant occupations. Though current programs understandably focus on the unemployed, they should take cognizance of the particular need many women have for retraining.[97]

It is anticipated that the impact of technology will be felt most sharply in the "women's sector" of the labour market, where automation is being rapidly introduced into traditional office jobs, such as those found in banks and insurance companies.[98] Surveys show, however, that the majority of young women are headed for the type of work that is being automated, "... support work as opposed to work exercising initiative and responsibility".[99] It has been predicted that up to a million women who want to work could be swelling the unemployment statistics by 1990.[100] According to one writer, "Not only is clerical job growth not keeping up with growth in the female labour force but women aren't assuming their share of professional-managerial jobs where employment opportunities are increasing."[101] Another concern is with the phenomenon emerging in the microelectronics area and known as the "deskilling" of women. Deskilling occurs particularly in keyboard areas, where the traditional skills of a typist, including editing and layout, are made redundant by machine capabilities. The deskilling of jobs can lead to lower rates of pay as well as stress arising from boredom.[102]

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[95] Organization for Economic Co-operation and Development. *The Future of Vocational Education and Training*. Paris, 1983, pp.20-21.

[96] *Ibid.*, p.18.

[97] For a comprehensive review of the deficiencies of Canada's training programs for women, see Canada. Status of Women Canada. *Not Working: Strategy for Improving Women's Status in Federal Government Employment Programs*. Ottawa, March, 1984.

[98] Menzies, Heather. *Women and the Chip: Case Studies of the Effect of Informatics on Employment in Canada*. Montreal: Institute for Research on Public Policy, 1981, pp.75-80; Menzies, Heather. *Computers on the Job: Surviving Canada's Microcomputer Revolution*. Toronto: James Lorimer and Company, 1982, pp.41-42, 119-123, 139-140; *Supra*, footnote 10, p.4. See also Werneke, Diane. *Microelectronics and Office Jobs: The Impact of the Chip on Women's Employment*. Geneva: International Labour Organization, 1983.

Counselling has an important role to play in the training or retraining of women.

Many adult women are re-entering the labour market, and they are finding it a different world from the one they left or the one they were educated to enter. On average, women have had as many years of schooling as men but lack sufficient background in science, mathematics, and the technical areas to take advantage of many new job opportunities. The training, retraining, and upgrading of women must eradicate this mismatch between the skills required by employers in high demand occupations and women's current qualifications and expectations, to avoid job segregation and other related employment problems.

To expect, for example, that women will take advantage of the highly specialized Critical Trade Skills Training Program by reserving 10 to 15 per cent of the training spaces for them without prior preparatory programs is to ignore the reality of women's past experience. In addition, to train women in occupationally specific areas is short-sighted. It reduces their mobility and increases their risk of being confined to new job ghettos.

What is needed is transitional training to provide women with a generic grounding in the basic sciences, computers, and communication, both written and verbal, and to familiarize them with industry and technology areas. This approach would increase their occupational flexibility and help reduce both occupational segregation and its resulting wage disparities. In 1982-83, women constituted 44.8 per cent of the participants in Basic Training for Skill Development, 53.5 per cent in Basic Job Readiness Training, 40.7 per cent in Work Adjustment Training, 83.3 per cent in the Occupational Orientation courses, and 45.3 per cent in language training.[103] Yet some of these very courses are being offered in decreasing numbers through the National Institutional Training Program.

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[99] *Supra*, footnote 10, p.4.

[100] Menzies, Heather, 1981, *supra*, footnote 98, p.75.

[101] *Supra*, footnote 10, p.4

[102] Canadian Advisory Council on the Status of Women. *Microtechnology and Employment: Issues of Concern to Women*. Ottawa, July, 1982, pp.14-15.

The Canadian Congress for Learning Opportunities for Women notes that "the fact that women are not filling all the places reserved for them in non-traditional courses may be an indication that these courses are not accessible to them without some form of bridging program".[104] In 1982-83, though the paid labour force was 41 per cent female, women constituted only 25.7 per cent of full-time trainees in the National Institutional Training Program,[105] a decline from 1979-1980 when they represented 32.5 per cent.[106]

While women made up about one-third of the participants in the skill training component of the program in 1982-83, most were in traditionally "female" occupations: 46.2 per cent were being trained in clerical skills and a further 12.9 per cent in sales skills.[107] Only 11 per cent were being trained in "non-traditional occupations",[108] which are defined by CEIC as those in which women constitute less than 10 per cent of the workforce.[109] In 1981-82, for example, women made up only 5.5 per cent of trainees in machining.[110] And only 3.3 per cent of all apprenticeship trainees in 1982-83 were women — again in the traditionally "female" occupations of cooking and hairdressing.[111]

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[103] Katz, Sharon. "CEIC and Target Group Members." Paper prepared for the Commission of Inquiry on Equality in Employment. December 1983, pp. 10-12.

[104] Canadian Congress for Learning Opportunities for Women. *National Training Act: Its Impact on Women*. Ottawa, 1984, p.5.

[105] *Supra*, footnote 103, p.7. Canada. Statistics Canada. Unpublished data. 1981 Census.

[106] Canada. Employment and Immigration Canada, *supra*, footnote 70, p.53.

[107] *Supra*, footnote 103, p.8.

[108] *Ibid.*, p.8.

[109] Canada. Employment and Immigration Canada, *supra*, footnote 70, p.107.

[110] *Ibid.*, p.66.

[111] *Supra*, footnote 103, p.9.

Women form an even smaller proportion of the trainees in the National Industrial Training Program. In 1982-83, women constituted 22.7 per cent of the trainees in General Industrial Training,[112] a decline from 1979-80, when they represented 27.4 per cent,[113] and only 2.2 per cent of the trainees in Critical Trade Skills Training in 1982-83.[114] Of those in General Industrial Training, only 17.6 per cent were being trained in non-traditional occupations,[115] though of the 138 women in Critical Trade Skills Training, 92.8 per cent were training in non-traditional occupations.[116]

## Native People

Native people are expected to account for as much as 20 per cent of labour-force growth during this decade in the western provinces,[117] yet relatively little is being done to address the particular difficulties they face in preparing themselves. They are generally hampered by low levels of education and by limited skills. In the past, their disadvantages have resulted in jobs in the most vulnerable sectors of the economy and in significantly higher unemployment levels than those experienced by the non-native population.[118]

Little in the pattern of native people's participation in the National Institutional Training Program gives cause for optimism. In 1982-83, for example, native people constituted 5.4 per cent of full-time trainees,[119] but slightly less than 1 per cent of apprenticeship trainees.[120] The bulk were enrolled in more basic courses, constituting 16.4 per cent of participants in Basic Training for Skill Development, 19.3 per cent in Basic Job Readiness Training, 5.7 per cent in Work Adjustment Training, and 10.7 per cent in Occupational Orientation.[121]

And, while native people accounted for 7.1 per cent of the trainees in General Industrial Training in 1982-83, they constituted

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112. *Ibid.*, p. 13.

113. Canada. Employment and Immigration Canada, *supra*, footnote 70, p. 78.

114. *Supra*, footnote 103, p. 13.

115. *Ibid.*, p. 13.

116. *Ibid*, p. 13.

117. Canada. Employment and Immigration Canada. Labour Market Development in the 1980s, *supra*, footnote 4, p.95.

118. Canada. Statistics Canada. Unpublished data from the 1981 Census.

119. *Supra*, footnote 103, p.7.

120. *Ibid.*, p.9.

121. *Ibid.*, pp. 10-11.

only 0.4 per cent of the trainees in Critical Trade Skills Training.[122] It bears repeating that CEIC has cut back its basic adult education training courses in favour of skilled training without offering transitional courses to help disadvantaged persons qualify for skilled training.

The Parliamentary Task Force on Employment Opportunities for the '80s, which recognized the need for pre-employment training for women, natives, minorities, and the handicapped, stressed such programs, particularly life-skills training,[123] and recommended that innovative, mobile, and regionally based training centres be established in northern and remote areas.[124] There is no reason to expect people in any group to leave willingly their homes and families for months to train for jobs. Since a majority of native people (65 per cent) live in rural and remote areas, compared to 25 per cent of the national population,[125] this Commission endorses the recommendation of the Parliamentary Task Force on Employment Opportunities for the '80s.

### Disabled Persons

Only 0.2 per cent of the full-time trainees in the National Institutional Training Program in 1982-83 were physically or mentally disabled persons.[126] At the time, they constituted 2 per cent of trainees in General Industrial Training. But, of the more than 6,000 trainees in the Critical Trade Skills Training Program, only three were disabled.[127] Without training, the high unemployment rate[128] of disabled persons, is only marginally reducible.

One of their problems, physical access, is capable of solution, given the social will to do so. All centres offering education and training programs can be made physically accessible to those with mobility handicaps. Other disabilities can also be accommodated, through the provision either of additional personnel or of facilities.

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[122] *Ibid.*, p.13.

[123] Canada. Parliament. House of Commons. *Work for Tomorrow. Employment Opportunities for the '80s*, *supra*, footnote 4, pp.99, 102.

[124] *Ibid.*, p.102.

[125] Canada. Minister of Indian Affairs and Northern Development. *Indian Conditions: A Survey*. Ottawa, 1980, p. 12.

[126] *Supra*, footnote 103, p.7.

[127] *Ibid.*, p.14.

[128] Sampson, Frank. *Issues Relating to the Labour Force Position of the Disabled in Canada*. Technical Study No. 30. Labour Market Development Task Force. Employment and Immigration Canada. Ottawa, 1981, p.5.

But a major training disincentive for disabled persons is that so often it results in no job. One study found that disabled persons with a university degree nonetheless had an unemployment rate of 26.3 per cent; for able-bodied university graduates, the unemployment rate was 2.7 per cent.[129]

Problems of transportation exist not only for those people in inaccessible parts of Canada but for disabled persons everywhere. Physical access to training and education programs includes not only the ability to get to and from the program, but to have other supports available. Funding should be available for assistive personnel and devices,[130] and every effort should be made to guarantee that training programs take place in buildings that are fully accessible.

There are financial disincentives for disabled people who wish to upgrade their skills. The interlocking system of benefits and pensions must be re-examined to ensure that those who wish to train or educate themselves are encouraged rather than economically penalized for wanting to improve their skills.

Vocational Rehabilitation of Disabled Persons (VRDP) is a federal program whereby, under agreements concluded with all provinces and territories except Quebec, the federal government contributes 50 per cent of many of the costs incurred by the province in providing a program for the vocational rehabilitation of physically and mentally disabled persons. The objectives of the program are to remove the disadvantages experienced by disabled persons, to avoid their dependence upon the public or relatives and to restore them to usefulness by making available to them appropriate vocational rehabilitation services. The aim is to have a client who is ultimately capable after rehabilitation of substantially gainful employment.[131] The program is administered through Health and Welfare Canada. Services provided include medical, social, and vocational assessments; counselling; restoration services; training; maintenance allowances; and the provision of tools or books.

These services are provided directly by the provincial government or purchased from voluntary agencies. The number of disabled per-

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129. Ontario Manpower Commission. *Employment and the Physically Handicapped in Ontario*. Toronto: Ontario Ministry of Labour, January, 1982, pp.8, 64.

130. Canada. Parliament. House of Commons. Special Committee on the Disabled and the Handicapped. *Obstacles, supra*, footnote 4, p.107.

131. *Vocational Rehabilitation of Disabled Persons Act*, S.C. 1960-61, C.26.

sons receiving services through VRDP for 1979-80 was 111,344, of whom 79,602 were in alcohol programs. That same year federal contributions to the provinces for these programs totalled $36,516,477.[132] In 1980-81, the contribution was $31,673,092.[133]

The program is essentially welfare oriented and, by isolating services available under the program from services available through regular employment agencies, does not integrate disabled persons sufficiently. Disabled persons are required to go through a complicated social service bureaucracy before being able to use the services of regular government employment agencies such as Canada Employment and Immigration Commission.[134]

The legislation authorizing VRDP is limited in the range and scope of services that may be cost-shared with the provinces. It does not include adequate employment support services such as technical aids, attendant services, reader services, and sign interpreters.[135]

The legislation is limited to disabled persons who have an identifiable vocational goal, thus excluding some adults.[136]

## Visible Minorities

Members of visible minorities have their own training needs. Many arise for those who are recent immigrants and new to the paid labour force. Being in the lower and more vulnerable sectors of the economy creates one barrier to vocational training; language creates another. Inadequate language-training opportunities in turn restrict access to opportunities for upgrading, skill training, or adult education.

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132. Canada. Health and Welfare Canada. *Vocational Rehabilitation of Disabled Persons Act, Annual Report For the Fiscal Year Ending March 31, 1980*. Ottawa, 1980. Table II and Table I.

133. Canada. Health and Welfare Canada. *Vocational Rehabilitation of Disabled Persons. Annual Report 1980-81*. Ottawa, 1981, p.3.

134. National Union of Provincial Government Employees and The Coalition of Provincial Organizations of the Handicapped. *Together for Social Change: Employing Disabled Canadians*, 1983, p. 23. A joint study by the Coalition of Provincial Government Organizations of the Handicapped and the National Union of Provincial Government Employees stated that the services under the present vocational rehabilitation system should be integrated into the regular government agencies dealing with employment, labour, and education.

135. *Ibid.*, p.23.

136. *Ibid.*, p.24.

A third barrier is the entrance requirements for some training programs. Many are set arbitrarily and unrealistically high. A Grade 10 certificate may be irrelevant to the actual job or the training program; yet people with the ability and aptitude to complete the program may be excluded because they lack the educational credentials. All training course entrance requirements should be re-evaluated to prevent the exclusion of otherwise able candidates. One writer aptly observed in confronting what he called the "myth of meritocracy" that "...the great majority of all jobs can be learned through practice by almost any literate person. The number of esoteric specialties requiring unusually extensive training or skills are relatively small."[137]

## Delivery Systems

The 1979 Commission of Inquiry on Educational Leave and Productivity concluded that "the opportunities available to working Canadians to prepare for occupational careers, to advance upward in organizational hierarchies, and to upgrade and maintain their skills, are inadequate".[138]

The shortcomings range from failure to advertise the programs adequately to mismatches between training offered and actual employment forecasts, and from a significant unevenness of availability and quality to unrealistically high eligibility requirements and the streaming by counsellors of individuals into arbitrarily and stereotypically restrictive programs.

One option in addressing the coordination problem is to institute local advisory panels[139] consisting of labour force analysts and representatives from the designated groups and from the educational institutions concerned. The local panels would meet regularly to determine:

a) the design and range of training programs;

b) their effectiveness in securing employment;

c) the best way to increase the participation rate of designated groups;

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137. Collins, Randall. *The Credential Society: A Historical Sociology of Education and Stratification*. New York: Academic Press, 1979.

138. Adams, R.J.; Draper, P.M.; and Ducharme, Claude, *supra*, footnote 4, p.219.

139. The value of local or regional input into training needs has been recognized by a variety of bodies including the Parliamentary Task Force on Employment Opportunities for the '80s. Ottawa, 1981, *supra*, footnote 4, p.75, which endorsed the concept of industrial training advisory boards to help identify industrial training needs.

d) the communications networks that should be used to advise potential applicants of the existence of the programs and to advise employers of qualified potential employees; and

e) solutions to the traditional underrepresentation of members of the designated groups in the range of occupations.

To ensure that the programs are not only relevant, but of adequate and consistent quality across Canada, conditions relating to quality, design, and accessibility should be attached to the allocation of training funds to provinces and institutions. Every effort should be made to serve the various regions of the provinces, however remote.

The advisory panels might also solicit the opinion of local business and labour representatives. Native people in particular complained to the Commission that they were consistently denied the types of training they felt most appropriate to economic advancement in their area and were assigned instead to irrelevant training programs.

The communications systems to connect potential trainees with programs and graduate trainees with jobs are underdeveloped, at best.[140] It is particularly difficult for people who live in geographic or personal isolation to learn easily what training programs are available or, having completed training, what job possibilities exist. That the communications gap is also a drawback to potential employers is obvious.

Local advisory panels should also enlist the services of workers in the Outreach program, which provides a communications link between groups and government programs and services. Indeed, properly remunerated and securely employed, these Outreach workers could be the centrepiece of an effective and sensitive support system that helps candidates select training programs and deal with related problems. Themselves often members of the designated groups, Outreach workers should not be hired on short-term contracts to do the same work permanent government employees do for better wages and more job security. The universally acknowledged success and future potential of the Outreach program[141] should be recognized by formalizing and entrenching the position of Outreach workers as full-time, adequately paid employees of government.

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[140] For a full discussion of problem areas in federal government information services relating to disadvantaged groups, see *To Know and Be Known: The Report of the Task Force on Government Information*. (Canada. Task Force on Government Information. Ottawa, 1969, pp.283-295.)

Voluntary, consumer-based groups providing counselling and information to members of the four designated groups should also be assured of the funding they require to continue their invaluable work on a long-term basis.

## Training Allowances and Benefits

Training allowances offered by CEIC do not reflect the cost of living.[142] It has been estimated, for example, that the total allowance, including a childcare allowance, for a single woman with one dependant living in a major urban centre would equal 62 per cent of the poverty-line income. If the childcare allowance is deducted from this total amount, the training allowance equals only 44 per cent of a poverty-line income.[143] Either childcare allowances should be increased until they reflect the actual cost of childcare, or facilities should be made available at the training centres.[144]

Training allowances drop to $25 per week for those who live with working spouses and parents.[145] This has the effect of keeping particularly women largely dependent and discourages them from applying for training. Trainees should receive an adequate allowance whether or not they are living with a working spouse or parent.

Part-time trainees are not eligible for training allowances.[146] For women with primary family responsibilities who choose to retrain on a part-time basis, this is an unreasonable penalty that may unduly delay access to or force premature entry into the labour force. Training allowances should be extended to part-time trainees.[147]

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[141] Williams, Blair. "The Future Direction of Outreach Policy." Report prepared for Employment and Immigration Canada, January 1, 1983, p.21.

[142] *Supra*, footnote 97, p.32.
As of August, 1984, the training allowance for a single person was $70 per week, increasing to $100 per week for a trainee with one dependant, with increments of $15 for each additional dependant. A childcare allowance is available starting at $50 per week for one child and rising to $130 per week for five children, with increments of $10 for each additional child.

[143] *Ibid.*, p.33.

[144] *Ibid.*, p.40, p.42.

[145] *Ibid.*, p.33

[146] *Ibid.*, p.36.

[147] *Ibid.*, p.36.

Women who have removed themselves from the labour force for the care of home and children should have access, as and when they wish during their stay at home, to skills, training, and counselling programs for their prospective re-entry into the paid labour force.

Trainees who have to move to attend a training course under the National Institutional Training Program receive funds to cover the cost of only one return trip. This has a negative impact, particularly on native people, who often must leave their homes in rural and remote communities to come to cities for training. Provision should be made for phone calls and additional visits home during the training.

Those receiving or about to receive Unemployment Insurance benefits are eligible for training courses under the National Institutional Training Program; they continue to receive UIC benefits and are also eligible for some of the supplementary training allowances, including the childcare allowance. But they cannot obtain a training allowance instead of UIC benefits even if the training allowance is higher. This works against women who have been working at part-time or low-paid jobs, since their average wages when working, either full-time or part-time, are lower than men's, resulting in lower UIC benefits.

## Education Leave and Training Programs in Industry

Very little long-term skill training or educational leave appears to be offered to the designated groups by employers. Moreover, where such opportunities are available, they tend to be limited to the small percentage of employees at the executive, professional, and managerial levels.[148] Paid education and skill-training leaves should be available at all levels. A fair proportion of the leaves should be available to members of designated groups. Rather than only those selected as candidates by the company, any qualified employee who wishes it should be able to apply for leave for extra education or training.

Given the rapidity with which change is occurring and is likely to continue to occur, employees must be protected from imminent expendability or obsolescence. Training and education need to be as dynamic as the market they are intended to serve. They must be both preparatory *and* anticipatory, on one hand readying beginners for employment, and on the other readying employees for new assignments as existing jobs diminish or disappear. The process should be one similar to that developed by the OECD Centre for Educational Research and Innovation and called "recurrent education".[149] Training becomes a lifelong continuum rather than episodic preparation for job entry and promotion.[150]

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[148] Litvak, I.A., and Maule, C.J. "Educational Leave Policies and Practices of Select Organizations in Canada", Report prepared for the Commission of Inquiry on Educational Leave and Productivity, March, 1979.

Retraining schemes must take into account the reality of the education and employment experience of the designated groups. These schemes must also keep current with emerging trends in the workplace, such as the recent surge in part-time work. Some women who work part-time would prefer to work full-time and some work part-time by choice.[151] There is evidence that a sizeable number of women work part-time because of home responsibilities.[152]

Part-time jobs are increasing. Between 1975 and 1980, part-time jobs accounted for 30 per cent of new employment growth, and they are expected to account for a still larger share through this decade.[153] Many of the part-time jobs are occurring in businesses where new technology is being introduced, such as banks, where women predominate and where automation is beginning to result in an increasing use of part-time workers.

Women account for 72 per cent of all part-time workers. Though the greatest numbers are in the 15 to 24 age group, they are represented in large numbers in all age groups. Fewer men work part-time, and they are apt to be either very young or past retirement. Few men work part-time in the prime working years of their lives;

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149. *Supra*, footnote 95.

150. Adams, Jane (Canadian Congress for Learning Opportunities for Women). "First Things First: Equity for Women Through Paid Skill Development Leave". Background Paper 8 prepared for the Skill Development Leave Task Force. Ottawa: March, 1983, p.37; Economic Council of Canada. *In Short Supply*, *supra*, footnote 1, p.95; Adams, R.J.; Draper, P.M.; and Ducharme, Claude, *supra*, footnote 4, p.221; Canada. Labour Canada. *In the Chips: Opportunities, People, Partnerships*, *supra*, footnote 4, pp.60-62; National Advisory Panel on Skill Development Leave. *Learning for Life*, *supra*, footnote 4, p.4.

151. Economic Council of Canada, *supra*, footnote 32, p.84.

152. *Supra*, footnote 102, p.13.

153. *Supra*, footnote 10, p.5. See also the Report of the Commission of Inquiry into Part-time Work in Canada, *Part-time Work in Canada*. Ottawa: Labour Canada, 1983, p. 123 concerning the belief of employer associations that part-time work will continue to grow.

only in the 65-and-over age group are their numbers greater than those of women workers of similar age.[154]

This situation increases the vulnerability of women. As part-time workers, they will lack most job benefits such as pensions, and are rarely considered for promotion[155] or educational leave. Yet, part-time workers are perfect candidates for expanded training opportunities in industry and expanded programs of educational leave. These must be supported by appropriate changes in the National Training Act programs.

## CONCLUSION

As the Task Force on Labour Market Development observed:

> Inherent in...past policies has been the view that "ownership" of the employment problem rested with the individuals or groups rather than with their circumstances and with barriers in society and in the labour market. ... *For target group members, this approach has too often been reduced to providing repeated periods of low-level training, temporary job creation and segregated job-experience training.* (Emphasis added.)[156]

Without the necessary education and training, members of the designated groups cannot hope to join the economic competition on an equitable basis. It is important to remember that barriers to their access exist at this outer gate and that they are no less formidable than the ones in the main employment arena.

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[154] *Ibid*, p.46.

[155] Menzies, Heather, 1982, *supra*, footnote 98, p.48. The Commission of Inquiry into Part-time Work (*supra*, footnote 153, p. 87) identified five problem areas associated with part-time work: (a) lack of pensions and fringe benefits; (b) wages, benefits and working conditions are not as good as those of full-time workers; (c) lack of seniority and job security and union discrimination; (d) the pressures of family responsibilities; and (e) inadequate career, promotion, and upgrading opportunities.

[156] Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*, *supra*, footnote 4, pp.91-92.

# Chapter 5

# CHILDCARE

> "A government really committed to equality for wo[illegible] would devise social policies which would make it easier rather than harder for women and men to combine their family responsibilities with paid employment."[1]

> "... policies [to support daycare or parental leaves] can facilitate equality in employment in a number of ways: by facilitating the labour force participation of females; by enabling them to work full-time as opposed to part-time; by expanding their choice of jobs beyond those that provide proximity to their household; by reducing their absenteeism ...; and by reducing their career interruptions and withdrawals from the labour force that prevent them from acquiring continuous work experience. It is hard to imagine any set of policies that would facilitate equality of employment in so many dimensions."[2]

For women who are mothers, a major barrier to equality in the workplace is the absence of affordable childcare of adequate quality. The urgency and unanimity of the submissions made by women in all groups on this issue impel this Commission to give it special attention.

The demand and the need for remedial measures derive from the increasing number of mothers in the workforce. Their children need adequate care. By Canadian law both parents have a duty to care for their children, but by custom this responsibility has consistently fallen to the mother. It is the mother, therefore, who bears any guilt or social disapprobation for joining the workforce. And it is the mother who normally bears the psychological and actual responsibility for making childcare arrangements.

It is time to set aside the emotional tangents of this issue and confront it directly. Women work. They have the same right to work

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1. Land, Hilary. "Social Policies and the Family: Their Effect on Women's Paid Employment in Great Britain", in *Equal Employment Policy for Women: Strategies for Implementation in the United States, Canada and Western Europe*, ed. Ronnie Steinberg Ratner, Philadelphia: Temple University Press, 1980, p. 366.
2. Gunderson, Morley. "Labour Market Aspects of Inequality in Employment and Their Application to Crown Corporations". Paper prepared for the Commission of Inquiry on Equality in Employment. October, 1983.

as do men.[3] Thus, many parents must take advantage of whatever childcare happens to be available,[4] however uneven in quality. Some parents undoubtedly manage to find adequate care for their children; others do not.

There are those who argue[5] that the need for childcare is not demonstrable; otherwise more women would be staying home. The absence of adequate childcare, they claim, does not seem to be inhibiting women from participation in the workforce. This is simply untrue. Women are not only inhibited from working by the absence of this support system but the quality of their participation is impaired. Childcare is the ramp that provides equal access to the workforce for mothers.

There is a consideration that is of even more importance. Ignoring the paucity of childcare ignores the real beneficiaries of childcare — children. Studies show that children are not only unharmed by quality childcare, some children benefit greatly.[6] To provide quality childcare is to address their needs, and only secondarily to satisfy the needs of their parents.

## CHILDCARE/DAYCARE

Both "childcare" and "daycare" have been used to describe those facilities available on a regular basis for pre-school children when they are not being attended to by their parents or guardians.

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[3] The 1979 United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which has been ratified by Canada, provides in Article 11(1) that:

> States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings.

In 1975 the International Labour Organization adopted the Resolution Concerning a Plan of Action with a View to Promoting Equality of Opportunity and Treatment for Women Workers, which provides that: "Any action aimed at establishing equality of opportunity and treatment of women workers must be determined on the basis of the fundamental principle that all human beings (men and women) have the undeniable right to work."

[4] National Day Care Information Centre. *Status of Day Care in Canada, 1977. A Review of the Major Findings of the National Day Care Study 1977*. Ottawa: National Health and Welfare, 1977, p. 1.

[5] Statistics Canada. *Labour Force Survey Research Paper No. 31: Initial Results from the 1981 Survey of Child Care Arrangements*. Ottawa, October 1982.

[6] Belsky, Jay, and Steinberg, Lawrence O. "The Effects of Day Care: A Critical Review", *Child Development*, 49, No. 4 (1978); Johnson, Laura C., and Dineen, Janice. *The Kin Trade*. Toronto: McGraw-Hill Ryerson, 1981; Rudder, Michael. *Maternal Deprivation Reassessed*. London: Penguin, 1972.

The term "childcare" is preferable because it is more comprehensive than "daycare".

Daycare has traditionally been used to describe care for children aged two to six outside the school system, during the day, five days a week, by someone other than their parents or guardians. These conditions do not begin to meet the full range of needs. Although the term is by no means misleading, and is in fact widely used by groups and organizations that intend a broader meaning, it is generally understood by the public in this narrow sense.

Moreover, daycare tends to be associated with "women's rights" issues and is therefore subject to the sophistry of those who advocate that all women have a duty to stay home during the early years of their children's lives. As one writer observed: "Because the issue of daycare for pre-school children is discussed predominantly in relation to the mother's employment, the use of such an ideological justification for restricting daycare facilities serves to confirm the view that women's attachment to the labour market is, and should be, of secondary importance only. This is particularly useful in times of high unemployment."[7]

The term childcare, on the other hand, states the issue exactly. It suggests a system intended to care for children whenever the absence of the parent(s) requires an alternative form of care. The issue can be seen to flow as part of a syllogism:

Society has a duty to ensure that dependent children receive at least minimal standards of care;

Parents have the primary responsibility for this care;

Parents may not be able to give this care on a full-time basis;

Therefore care must be provided by society for children when their parents are unable to provide it.

There is no doubt that children should — and do — look to parents for the provision of primary care and the necessities. This parental primacy, a central tenet of our society, would not be threatened by the general availability of childcare.

In education, for example, the state intervenes whether or not there are primary caretakers to provide instruction to children. The existence of a universally accessible system of education is in no way meant to, nor does it, threaten the primacy of parents over the care of their children. It is, rather, a supplementary, albeit pervasive, system to assist in the provision to children of the skills necessary to function adequately as adults in society.

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[7] *Supra*, footnote 1, p. 382.

Many of the arguments made today against the introduction of universally accessible, quality childcare are identical to those made in the nineteenth century before universally accessible public school education was introduced.[8] The threat to the primacy of the parents, the danger to the emotional stability of children in being removed from the home to spend hours in a classroom, the peril to the sanctity and cohesiveness of the family, and the enormous expense were all proferred as arguments against free public school education.

We have, of course, come to realize that our public education system represents a fruitful partnership between state and parent, with the child as beneficiary. Since all of society benefits from the education of children, and since parents cannot be expected to teach all the basic preparatory skills to their children, the state invests heavily in its own future by educating its young. Education is seen as part of the care of children and no one thinks women — or for that matter, either parent — should stay home so their children will not have to go to school. The parents are still primary, the state indispensably auxiliary.

Childcare is a logical extension of this philosophy. If education is the state's legitimate concern, and if standards of care for children are equally the state's concern, then the partnership of parent and state should start when a child is born and continue as long as the dependent child, as beneficiary, needs it, regardless of age, of whether he or she goes to school, or of whether there is a parent at home full time.

Canada lags behind many other Western industrialized nations in its childcare provisions. In France, for example, where only 44 per cent of mothers are employed outside the home, free, non-compulsory pre-schools are part of the regular school system, and 95 per cent of all French children aged three to six attend these schools.[9] In West Germany, 75 per cent of children attend full-day pre-schools; in Italy, the attendance rate is 67 per cent.[10] Either free or low-cost infant care is also available in other European countries, including Sweden. In most cases, the government takes full or partial responsibility for the provision of pre-school childcare.[11] Canada, in contrast, has licensed daycare spaces for less than 15 per cent of pre-school aged children of working mothers.

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[8] Prentice, Alison. *The School Promoters: Education and Social Class in Mid-Nineteenth Century*. Toronto: McClelland and Stewart Limited, 1977.

[9] Landau, Reva. "Parental Leave — A Comparative Study", in *Women in the Workforce: Affirmative Action and Parental Benefits. Sourcebook*. Ottawa: National Association of Women and the Law, 1983, pp. 84, 93.

It also appears from the available data that significantly more daycare is available in the United States than in Canada, though facilities fall short of requirements in both quantity and quality.[12] Financial arrangements vary widely, and most American children receive care in unlicenced facilities of unknown quality.[13]

The United Nations and the International Labour Organization have recognized that adequate childcare services are essential if women are to have equal access to employment.[14] The United

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[10] *Ibid.*, pp. 85-86.

[11] *Ibid.*, pp. 82-89.

[12] United States Department of Labor. Women's Bureau. *Community Solutions for Child Care: Report of a Conference*. Washington, D.C., August, 1979, p. 58.

[13] *Ibid.*, p. 9.

[14] The most extensive treatment of childcare appears in the International Labour Organization's 1981 Recommendation Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities. Article 6 of that document contains the following general provision:

> With a view to creating effective equality of opportunity and treatment of men and women workers, each Member should make it an aim of national policy to enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.

In particular, ILO members are to take measures to develop or promote childcare services (Article 9(c)), to promote information and education to create broader public understanding of the problems of workers with family responsibilities (Article 10), and to undertake or promote research on "the various aspects of the employment of workers with family responsibilities" (Article 11(a)).

Section V, which focuses on childcare and family services and facilities, says members should, in cooperation with public and private organizations, take measures to collect and publish adequate statistics on childcare needs and preferences (Article 24) and take steps to meet these needs and preferences (Article 25). They should also "encourage and facilitate the establishment, particularly in local communities, of plans for the systematic development of childcare and family services and facilities" (Article 25(a)) and "themselves organize or encourage and facilitate the provision of adequate and appropriate child-care and family services and facilities, free of charge or at a reasonable charge in accordance with the workers' ability to pay, developed along flexible lines and meeting the needs of children of different ages, of other dependants requiring care and of workers with family responsibilities" (Article 25(b)). Article 26(1) provides that: "Child-care and family services and facilities of all types should comply with standards laid down and supervised by the competent authorities." Article 26(3) states that "the competent authorities should provide or help to ensure the provision of adequate training at various levels for the personnel needed to staff child-care and

Nations Convention on the Elimination of All Forms of Discrimination Against Women, which was ratified by Canada in 1981, requires that, "in order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work", countries take measures "to encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of childcare facilities".[15]

From the perspective of the needs of children, who represent about one-quarter of Canada's population,[16] as well as that of parents, the ideal childcare system would be affordable, of acceptable quality, and universally accessible though non-compulsory. For many, this position requires a fundamental revision of their approach to the care and raising of children. For others, it is a truism remarkable only for the want of implementation.

As a practical matter, a childcare system as universal as our educational system may be some time away. While such a system should continue to be the ultimate goal, it is necessary to consider interim measures. The highest priority should be to provide access to childcare from birth to every child who needs it. Need should largely be determined by two circumstances:

- Where parents are unable to provide full-time care;
- Where the child has special needs arising from a disability.

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family services and facilities". Finally, Article 33 provides that measures should be taken to "develop home-help and home-care services which are adequately regulated and supervised and which can provide workers with family responsibilities, as necessary, with qualified assistance at a reasonable charge in accordance with their ability to pay". While not binding on ILO members, recommendations are part of the International Labour Code, and as such have some moral force. In addition, ILO members must report to that organization on their implementation of recommendations.

[15] Article 11(2), subsection (c). The United Nations Declaration on the Elimination of Discrimination Against Women (1967) contains a similar provision (Article 10(2)).

[16] According to the 1981 Census, children under 16 made up 24.3 per cent of the total population.

## WORKING PARENTS

The majority of parents do not provide full-time care for their children. During the 1960s the pattern for most married women was to continue in the labour force until the birth of their first child and to return, if at all, when their last child entered school.[17] The more recent pattern is that of increasing numbers of mothers continuing in the labour force even after the birth of their first child.[18] In 1976, for example, there were 282,000 mothers in the labour force with children under three years. This figure rose to 460,000 in 1983, an increase of 63 per cent.[19]

Of equal significance to the issue of childcare is that the participation rate in the labour force of mothers with children under six rose from 19 to 51.5 per cent between 1967 and 1983,[20] an increase at least as great as that of mothers whose children were all aged six or over. This trend is expected to continue.[21]

The most current figures available indicate that in 1983 the participation rate for mothers of children under 16 was 56.8 per cent. For mothers of children under three it was 48.9 per cent; for mothers of children three to five it was 55.6 per cent; and for mothers of children six to 15 it was 62 per cent.[22]

Although Statistics Canada does not usually publish data on the total number of children of working mothers, its 1981 childcare survey showed that women in the labour force had 963,000 pre-school age children.[23] Yet in 1982 there were only 123,962 childcare spaces in Canada.[24]

Pre-school aged children of working mothers receive care from a variety of sources. In 1981, almost three-quarters — 73.2 per cent — of pre-school aged children participated in some form of shared childcare arrangement, including nursery schools or kindergartens, care in the home by someone other than a parent, care in another private home, and daycare centres.[25]

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[17] Ostry, Sylvia. *The Female Worker in Canada*. Ottawa: Dominion Bureau of Statistics, 1968, p. 19.

[18] Eichler, Margrit. *Families in Canada Today: Recent Changes and their Policy Consequences*. Toronto: Gage Limited, 1983, p. 247.

[19] Statistics Canada, Labour Force Survey Division. Unpublished data, 1983.

[20] *Ibid.*

[21] Ciuriak, Dan, and Sims, Harvey. "Participation Rate and Labour Force Growth in Canada." Ottawa: Department of Finance, 1980, p. 17.

[22] *Supra*, footnote 19.

[23] *Supra*, footnote 5, Table 8. In addition, working mothers had 1,727,000 school age children, for a total of 2,690,000 children whose mothers worked.

[24] National Day Care Information Centre. *Day Care Spaces in Canada, 1982*. Ottawa: National Health and Welfare, 1982, p. 2.

The statistics make it plain that a role once exclusively assumed by the majority of mothers is less and less being assumed by them. Fathers are not taking up the slack: there has been no concomitant decrease in fathers' labour force participation.[26] Yet in three provinces — Quebec, New Brunswick, and Prince Edward Island — there were fewer childcare spaces in 1982 than in 1980.[27]

This inconsistency of availability, and probably of quality, is noteworthy not only for the inequities it produces but for the problem it raises of portability of service. Parents and children moving from an area with childcare to an area without it face obvious difficulties; in 1980, more than 400,000 Canadians moved from one province to another.[28]

A recent American survey reported that there was "...an expressed preference among parents of virtually all classes and ethnic backgrounds for supervised and licensed group care for preschool children".[29] Yet under existing market conditions, only those parents at the top and bottom extremes of the income scale can use this mode of childcare.[30]

The average cost of childcare in Canada in 1982 was $2,500-$3,500 per child per year.[31] When one considers that women earn, on average, $10,472[32] annually, the cost almost as much as the unavailability of childcare operates as a disincentive to women entering the paid labour force.[33]

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[25] *Supra*, footnote 5, Table 8.

[26] *Supra*, footnote 18, pp. 247-248.

[27] *Supra*, footnote 24, p. 10.

[28] Hill, Karen, and Norquay, Jeff. "Issues Paper: Parliamentary Task Force on Federal/Provincial Arrangements". Ottawa: Canada Council on Social Development, April, 1981, p. 10.

[29] Auerbuch, Stevanne, and Rivaldo, James A. *Rationale for Child Care Services: Programs versus Politics*. New York: Human Sciences Press, 1975, p. 35; see also, Ontario Ministry of Community and Social Services. *Family Benefits for Mothers in Metropolitan Toronto*. Toronto, 1973, and Saskatchewan Social Services. *Summary of Day Care Needs and Demands in Saskatchewan*. Regina, 1980. These studies show that more than 50 per cent of parents are dissatisfied with their daycare arrangements.

[30] Social Planning Council of Metropolitan Toronto. *100,000 Children: Alternatives for Service Delivery*. Report for the Project Child Care Policy Task Force. Toronto, November, 1979, p. 2.

[31] Day Care Research Group. *The Day Care Kit*. Toronto, 1982, p. 21.

[32] Statistics Canada. *Income Distributions by Size in Canada, 1982*. Catalogue No. 13-207 Annual. Ottawa, 1982.

From the child's perspective it matters little why the majority of mothers are working; but it is not without significance that many mothers do so purely as a result of economic pressures. The decline in the number of Canadian families below the poverty line between 1969 and 1980 has been attributed to the addition of a second worker in the family (women who work full time contribute an average of 39 per cent of the family income[34]). A 1979 National Council of Welfare report, *Women and Poverty*, showed that if wives' incomes were deducted from family incomes, 51 per cent more two-parent families would have fallen below the poverty line.[35] It is also significant that in 1982, nine per cent of working mothers had a husband who was unemployed or not in the labour force, and 12.4 per cent had no husband present.[36]

From the point of view of mothers, access to childcare and the nature of such care limits employment options. "In balancing the responsibilities of family and career, women more frequently than men must make decisions (such as to withdraw from the labour force to care for young children) of consequence to their career."[37] According to a Labour Force Survey, about 121,000 working mothers had to leave or refuse a job in 1980 because of problems with childcare arrangements.[38]

There is little doubt that a positive relationship exists between the availability of childcare and women's participation in the labour force.[39] Various studies show that a major reason women are over-represented in part-time work is that they are combining childcare responsibilities with jobs in the paid labour market.[40]

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[33] Ontario Manpower Commission. "The Employment of Women in Ontario: Background Paper". Toronto, October, 1983, p. 18.

[34] *Ibid.*, p. 17.

[35] National Council of Welfare. *Women and Poverty*. Ottawa, 1979, p. 21.

[36] Statistics Canada, Labour Force Survey Division. Unpublished data, 1982.

[37] *Supra*, footnote 33, p. 17; see also Canada Employment and Immigration. *Labour Market Development in the 1980s*. Report of the Task Force on Labour Market Development. Ottawa, July, 1981, p. 95.

[38] *Supra*, footnote 5, p. 43.

[39] *Supra*, footnote 33, p. 17; see also Chadima, Stephen, et al. *Children and Pre-School: Options for Federal Support*. Washington, D.C.: Congressional Budget Office, Congress of the United States, September, 1978, pp. 43-51.

As a 1981 American study pointed out, "National statistics, collected and tabulated for the Bureau of Labor Statistics by the Bureau of the Census, show that a larger percentage of mothers with young children are employed part-time than are adult women in general."[41] The same study concluded, "Lack of child care or inadequate child care keeps women in jobs for which they are overqualified and prevents them from seeking or taking job promotions or the training necessary for advancement".[42]

When need is used as a criterion for making childcare available, the children of Canada with disabilities must be taken into particular account. Parents of these children face tremendous responsibilities and need assistance.

## ELEMENTS OF CHILDCARE SYSTEMS

One reason for Canada's poor record on childcare facilities is the absence of a national policy dealing with the care of young children. The traditional family is no longer the dominant pattern in our society, but social policy does not yet reflect this reality. Research shows that parents have difficulty evaluating the care provided to their children.[43] Designers of a quality childcare system in Canada should take into account the following considerations.

### Jurisdictional Issues

The federal government has, through the Canada Assistance Plan, provided up to 50 per cent of the provinces' and territories' costs of daycare since 1972 for families of low income. The subsidies are available only in provincially or municipally licenced and approved facilities. Parents who are not deemed financially in need must pay for the same service, with only some of the payment being deductible for income-tax purposes.[44] Because the program depends on provincial and territorial initiatives, there is uneven distribution of federal funding and access to childcare across Canada.[45]

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[40] Saskatchewan Department of Labour, Women's Research Unit. "A Study of Part-Time Employment in Saskatchewan". September, 1979, p. 35; White, Julie. *Women and Part-Time Work*. Ottawa: Canadian Advisory Council on the Status of Women, March, 1983, pp. 3-10, 29-30.

[41] United States. Commission on Civil Rights. *Child Care and Equal Opportunity for Women*. Clearinghouse Publication No. 67. Washington, D.C., June, 1981, pp. 10-11.

[42] *Ibid*., p. 10.

[43] Krashinsky, M. *Day Care and Public Policy in Ontario*. Toronto: Ontario Economic Council Research Studies, University of Toronto Press, 1977.

One result of the current system is to segregate children on the basis of socio-economic status.[46] Another is to discourage working mothers from taking better paid jobs or promotions, since the penalty for an improved income may be the loss of affordable childcare or a facility beneficial to their children. Children of the poor and the rich are more likely to find adequate childcare than children of families in the middle-income ranges.

Ideally childcare, like education, should be available to children whatever the source and size of their parents' income. The Canada Assistance Plan is not the appropriate funding vehicle, since it perpetuates the notion of childcare as an aspect of the welfare system.

In the interests of guaranteeing some consistent national standards, a National Childcare Act,[47] devised on the basis of consultations with the provinces and territories, needs to be legislated with appropriate funding mechanisms. There is precedent in Canada for such a federal statute. During the Second World War, a dominion-provincial agreement resulted in the enactment on July 20, 1942, of the Wartime Day Nurseries Act,[48] which split operating and capital costs evenly between the two levels of government. The agreement was, as the preamble states, a response to the "increasing numbers of women who are the mothers or foster mothers of young children [who] are being presently employed in more industries in Canada... ."[49] In 1946, when men returned home to take jobs, women were encouraged to leave the labour force. The daycare centres closed.

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[44] Canadian Advisory Council on the Status of Women. *As Things Stand: Ten Years of Recommendations*. Ottawa, 1983, p. 78; *Supra*, footnote 31, p. 19.

[45] McCormick, Norma, and Johnson, Laura C. Unpublished daycare study for the Canadian Advisory Council on the Status of Women. Cited by Susan Shaw in *Better Day Care for Canadians: Options for Parents and Children*. Ottawa: Canadian Advisory Council on the Status of Women, 1982, p. 12.

[46] *Supra*, footnote 18, pp. 254-255.

[47] Such an Act was first recommended in 1970 by the Royal Commission on the Status of Women in Canada. (Canada. Royal Commission on the Status of Women in Canada. *Report*. Ottawa, 1970, p. 411, Recommendation No. 118.)

[48] *Wartime Day Nurseries Act*, Order in Council P.C. 6242, July 20, 1942. (Pursuant to the *War Measures Act*, R.S.C. 1927, C. 206); amended by P.C. 2503, April 6, 1944, and P.C. 3733, May 18, 1944; revoked by P.C. 2326, June 7, 1946.

[49] *Ibid*.

The guidelines and standards should take into account an appropriate child/staff ratio, regional differences, urban and rural needs, cultural needs of native children and minorities, and facilities for disabled children. The cost sharing should be tied to ongoing consultation on the development of standards, not only with the provinces and territories but with various consumer and education groups that have an interest or expertise in childcare systems.

## Hours of Service

The key to an effective childcare system is flexibility. At minimum, the facilities' hours should accommodate the average adult's working schedule. Children normally attend school between nine a.m. and four p.m. This is not the usual working day and often results in a period before and/or after school when no parent is available.

Many parents who work on shifts that do not coincide with regular school hours have particular difficulty providing care for their children. Childcare should also ideally be available for these children.

## Delivery Systems

The concept of flexibility should extend not only to the hours of service but to its nature as well. Until childcare becomes generally available, a variety of delivery systems should be supported by a range of subsidies and governed by adequate but flexible standards. Childcare centres are not the best solution for all children or all families.[50] Informal neighbourhood arrangements, the use of relatives or friends, and other private solutions should all be encouraged so long as the care is adequate.

When children are sick and must remain at home, not only for their own health but for the sake of other children at the childcare facility or school, arrangements should be introduced whereby employers permit either parent to remain home with the child. These arrangements should be extended to include either parent's being free to look after other needs of their children, such as medical or school-related appointments. It may be that eventually we can develop a childcare system of sufficient sophistication to provide care for sick children in their homes[51] or supply escorts for appointments.

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[50] *Supra*, footnote 18, p. 255.

[51] *Ibid*.

A more practical approach is to insist that the workplace acknowledge the reality of parenthood by permitting either parent a certain number of days annually for child-related eventualities,[52] in the same way that employees are entitled to sick leave.

## Location and Staff

Childcare can be carried out in school buildings, in other settings in the neighbourhood, or at a parent's workplace. Where childcare centres are in the main undeveloped, the public school offers an ideal setting as an existing facility. A neighbourhood location avoids the difficulty many parents face in transporting children long distances to facilities before and after work, a task one study showed fell largely to women.[53] It has the advantage, too, of keeping the child in his or her own community.

A workplace centre may not be ideal[54] but it represents a significant improvement over distant facilities or none. The main disadvantage is that it may tie a parent to an unsatisfactory job.[55] On the other hand, it may, by its convenience, alleviate problems of absenteeism, turnover, productivity, and transportation.[56] The Ontario Federation of Labour has consistently recommended that childcare centres be established at places of work, and that "in new plants, every effort ... be made to have facilities planned and built in".[57] A number of groups meeting with this Commission identified the lack of childcare facilities in institutions offering employment training programs as one reason women cannot take advantage of such programs.

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[52] The International Labour Organization's 1981 Recommendation No. 165 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities provides that: "It should be possible for a worker, man or woman, with family responsibilities in relation to a dependent child to obtain leave of absence in the case of its illness" (Article 23(1)). According to Sheila B. Kamerman and Alfred J. Kahn, in *Child Care, Family Benefits, and Working Parents: A Study in Comparative Policy* (New York: Columbia University Press, 1981), in Germany, "employed parents are entitled to a paid leave of up to five days per year, at 80 percent of wages, to care for an ill child under the age of eight at home." In Sweden there has been since 1974 a parent allowance for the temporary care of children under the age of ten. An employed parent is entitled to a cash benefit equal to 90 per cent of his or her wages up to a stated maximum. The benefit can be used to take care of a sick child, to substitute for the usual care-giver should that person become ill, or to take a child for medical treatment. The benefit is available for up to 60 days per year per child, and can be shared between parents. It is financed from government revenue (85 per cent) and employer contributions (15 per cent). (pp. 49-50, 65).

[53] Michelson, William. "The Logistics of Maternal Employment: Implications for Women and Their Families". Child in the City Report No. 18. Toronto: University of Toronto Centre for Urban and Community Studies. October, 1983, pp. 97-110.

[54] AT & T. *Two Experimental Day Care Centers that Closed.* World of Work Report. New York: Work in America Institute Inc., February, 1977; United States. Department of Labor, Women's Bureau. *Child Care Centers Sponsored by Employers and Labor Unions in the United States.* Results of a 1978 survey. Washington, D.C., 1980.

[55] Friendly, Martha, and Johnson, Laura C. "Perspectives on Work-Related Day Care". Child in the City Report No. 11. Toronto: University of Toronto Centre for Urban and Community Studies, 1983.

Contributory plans at the workplace, with the necessary modifications to the tax system to permit full deductions, and the inclusion of childcare as an option in corporate benefit plans may provide interim relief to families.

Quality care is impossible without quality staff. More people of different cultural and racial backgrounds and of both genders should be encouraged to train as childcare providers. In addition, better training should be available for teachers caring for children with special needs. This is not to argue for more or better paper credentials but for better training and supervision of workers with an aptitude for the care of children.

Critical to attracting able employees to the field is paying them adequately. Currently, childcare providers earn about $10,000[58] annually, a grievously inadequate amount for people given so significant a responsibility. The average annual salary in 1980 for kindergarten and elementary school teachers, by contrast, was

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56. *Supra*, footnote 33, pp. 17, 21; "The Impact of Child Care on Employee Absenteeism, Turnover and Productivity" and "The Realities and Fantasies of Industry Related Child Care". Proceedings of Symposiums. Denver: University of Colorado Medical Centre, May, 1973.

57. Ontario Federation of Labour. "Position Paper on Day Care". Toronto, June, 1972.

At its 1980 annual convention, the OFL endorsed a policy calling for an overhaul of the present childcare system. (Ontario Coalition for Better Daycare. "Daycare: Deadline 1990". Brief to the Government of the Province of Ontario on the future of daycare service in Ontario. Toronto, 1982, p. 16.)

At its May, 1984, convention in Montreal, the Canadian Labour Congress passed a resolution reiterating its support for universal access to publicly funded, quality childcare.

58. Action Day Care. "For Universally Accessible Non-Compulsory Day Care in Canada". Toronto, 1982. (Cited in Colley, Susan. "Free Universal Day Care: The OFL Takes a Stand", in *Union Sisters: Women in the Labour Movement*, eds. Linda Briskin and Lynda Yanz, Toronto: Women's Educational Press, 1983, p. 307.)

In 1980, the average income of a female babysitter was $2,640 per year while the average income of a male babysitter was $4,311 per year. (Economic Council of Canada. *On the Mend*. Twentieth Annual Review, Ottawa, 1983, p. 89.)

$20,440.[59] Childcare providers must be better paid if we expect to attract, train, and retain a body of professionals committed to this work.

## Funding

The newly appointed federal Task Force on Childcare[60] fills an urgent need to investigate funding mechanisms for childcare in Canada. It is expected that the task force members will examine federal-provincial cost-sharing arrangements as well as the efficacy of various contributory and non-contributory methods of supporting a childcare system. Some preliminary observations may nonetheless be made by this Commission for the task force's consideration. Its study, moreover, need not delay the immediate allocation of more resources by the provincial, territorial, and federal governments to childcare facilities.

The tax system fails to accommodate working parents in several respects.[61] The childcare expense deduction is unrealistically low; while other employers can deduct the full wages of employees, parents employing childcare providers cannot; and the refundable child tax credit is too low. The tax system should be based on an assumption that parents have equal and androgynous childcare and homemaking responsibilities.

Currently, childcare expenses are deductible only if they are incurred to enable a person to earn an income or undertake training or research. They should also be deductible when they are incurred to enable a person to seek employment.

The inability to deduct the full cost of childcare annually[62] operates as a disincentive to paying childcare workers and housekeepers what they deserve. This victimizes yet another class of women.

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[59] Statistics Canada. *The Labour Force*. Catalogue No. 71-001 Monthly. Ottawa, November, 1983.

[60] The appointment of the Task Force on Childcare was announced on May 30, 1984, by The Honourable Judy Erola. A study of this kind was specifically recommended to this Commission by the Canadian Day Care Advocacy Association ("Beginning to Solve Canada's Daycare Crises: Short-Term and Long-Term Proposals". Submission to the Commission of Inquiry on Equality in Employment, November, 1983, p. 19) and the Canadian Union of Public Employees (Submission to the Commission of Inquiry on Equality in Employment, December, 1983, pp. 43-44).

[61] Shaw, Susan. *Supra*, footnote 45, pp. 23-28.

[62] *Ibid*., p. 24.

Our society purports to value children but is not willing to pay adequately people, usually women, for looking after them. If mothers stay home, they are unpaid. When they join the labour force, they are underpaid. And when parental substitutes are hired, these alternative care-givers are likewise underpaid.

Childcare is a social investment in the future. It is not, therefore, the exclusive financial responsibility of an employer, or a union, or a worker, or a parent. It is a public expense that should ultimately be borne by all taxpayers, much as education is. Childcare should be seen as a public service to which every child has a right.

At the moment, most childcare is privately financed by families.[63] The debate has been whether childcare is to be considered a privately financed discretionary expenditure for higher income groups or whether it should be regarded as a system supported, as with health and education, primarily from tax revenue.[64] Based on the consistency of the message this Commission received from women across Canada, it is a debate we can no longer afford to continue.

Childcare is not a luxury, it is a necessity. Unless government policy responds to this urgency, we put women, children, and the economy of the future at risk. Considering that more than half of all Canadian children spend much of their time in the care of people other than their parents, and that more than half of all parents need childcare services for their children, social policy should not be permitted to remain so greatly behind the times.

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63. Cook, Gail C.A., and Eberts, Mary. "Policies Affecting Work", in *Opportunity for Choice: A Goal for Women in Canada*, ed. Gail C.A. Cook, Ottawa: Statistics Canada/C.D. Howe Research Institute, 1976, p. 167.

64. *Ibid.*, p. 168.

## Chapter 6

# EMPLOYMENT EQUITY: ELIMINATING WORKPLACE BARRIERS

> "It is precisely because the force of circumstances tends continually to destroy equality that the force of legislation should always tend to its maintenance."[1]

Two options are specifically cited in this Commission's Terms of Reference for eliminating systemic discrimination and promoting equal competition for employment opportunities in crown corporations. One is an enhanced voluntary program, possibly linked to mandatory reporting requirements; the second is a mandatory affirmative action program.

"Affirmative action" or "employment equity" programs are comprehensive planning processes "for eliminating systemically induced inequities and redressing the historic patterns of employment disadvantage suffered by members of target groups".[2]

This approach, known as the systemic approach, identifies discrimination in the workplace in terms of the impact of employment practices on the employment opportunities of designated group members. The impact, rather than the intention behind behaviour or employment practices, is what defines systemic discrimination.

As a strategy for eliminating systemic discrimination, employment equity consists of the following steps:

a) a clear statement of executive support, the appointment of senior management accountable for implementing an employment equity program, the establishment of an implementation structure, the assignment of appropriate resources, and the development of a suitable labour-management consultative process;[3]

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[1] Rousseau, Jean-Jacques. *The Social Contract and Discourses*. London: J.M. Dent & Sons Ltd., 1968, p.42.

[2] Canada. Employment and Immigration Canada. *Affirmative Action Technical Training Manual*. Ottawa, 1982, p.41. This manual contains an analysis of, and methodology for, the implementation of affirmative action programs.

[3] Based on D. Rhys Phillips, "Equity in the Labour Market: The Potential of Affirmative Action". Paper prepared for the Commission of Inquiry on Equality in Employment. February, 1984.

b) the design and implementation of an organizational plan to include:
   - i) the identification and removal of discriminatory barriers in a company's hiring, training, promotion, and income policies;
   - ii) alternative, corrective systems;
   - iii) special remedial measures designed to remove the effects of previous discrimination;
   - iv) quantifiable goals with an appropriate monitoring and assessment system to ensure that women and minorities are equitably represented and remunerated at all levels within the organization.

Employment equity is essentially a function of a company's human resource and strategic planning operations.

The Special Committee on the Disabled and the Handicapped, the Parliamentary Task Force on Employment Opportunities for the '80s, and the Task Force on Labour Market Development have all advocated affirmative action to permit the fullest use of the skills and abilities of those who have been unjustly restricted in their employment opportunities.[4]

## VOLUNTARY VERSUS MANDATORY MEASURES

### Voluntary Programs

Voluntary employment equity means that employers are encouraged, rather than required, to adopt measures intended to rectify employment inequities. There is no provision for an enforcement component. A voluntary program with a mandatory reporting requirement is nonetheless voluntary in the absence of a requirement to remedy the discriminatory practices disclosed by the information reported.

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[4] Canada. House of Commons. *Obstacles*. Report of the Special Committee on the Disabled and the Handicapped. February, 1981, Recommendation 19, p.31; Recommendation 20, p.32; Recommendation 25, p.35; Recommendation 26, p.35; Recommendation 27, p.36; Recommendation 38, p.51. Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*. A report of the Task Force on Labour Market Development. Ottawa, July 1981, pp.107-108. Canada. House of Commons. *Work for Tomorrow: Employment Opportunities for the 80s*, Ottawa, 1981, Recommendation 105, p.98; Recommendation 106, p.99; Recommendation 107, p.99. See also Canada. House of Commons. *Equality Now!* Report of the Special Committee on Participation of Visible Minorities in Canadian Society. March, 1984, Recommendation 14, p.38, recommending contract compliance and affirmative action in the federal government and crown corporations, and Recommendation 12, p.35, recommending, not an immediate implementation of an affirmative action program, but rather a five-year voluntary strategy. However, this recommendation states: "At the end of five years, review the incentives, programs and the success of voluntary affirmative action. Mandatory affirmative action should be introduced at this time if insufficient progress is detected under the voluntary programs."

A requirement of public reporting may result in public pressure on a company to revise its systems but it is unrealistic to rely on public opinion as an effective monitoring agent. It results in a speculative and scattered approach and creates the perception, in the absence of enforcement, that the issue is deserving of only casual attention.

Voluntary programs of various kinds on behalf of women were attempted in Canada after the Royal Commission on the Status of Women reported in 1970.[5] Certain of these programs were revitalized and expanded, at least in the public sector, in and after 1975, International Women's Year. Voluntary programs in the federal government have had little impact on the composition of the public sector workforce.

The following table shows the change in the representation of women in the federal public service by occupational category from 1976 to 1982.

The proportion of women in the federal public service was 40.6 per cent in 1983.[6] Women held 5.9 per cent of jobs in the management category. In addition, women constituted 82 per cent of all workers in the administrative support category, which consists primarily of clerical positions.[7] Within the public service generally, they work at the lowest levels and receive the lowest pay.[8]

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[5] Canada. Royal Commission on the Status of Women in Canada. *Report*. Ottawa, 1970.

[6] Canada. Public Service Commission of Canada. *Annual Report 1983*. Ottawa, 1984.

[7] *Ibid.*

[8] In 1982 women represented 65.5 per cent of all full-time public service employees earning less than $20,000. (Canada. Public Service Commission of Canada. *Annual Report 1982*. Ottawa, 1983.); see also Quiring, D.D., "The Representation of Women in the Federal Public Service". Prepared for the Public Service Commission of Canada. November, 1982.

## Table 1

## Total Employees and Representation Change of Women in the Federal Public Service by Occupational Category, 1976 and 1982

| | 1976 | | 1982 | |
|---|---|---|---|---|
| Category | Total | % Women | Total | % Women |
| Management | 1,268 | 2.4 | 3,175 | 5.4 |
| Scientific & Professional | 24,076 | 23.4 | 22,497 | 22.9 |
| Administrative & Foreign Service | 49,240 | 20.4 | 54,184 | 32.5 |
| Technical | 26,181 | 9.8 | 27,321 | 12.0 |
| Administrative Support | 71,748 | 78.4 | 70,757 | 82.2 |
| Operational* | 106,352 | 18.2 | 44,267 | 12.3 |
| TOTAL | 279,314 | 33.7 | 222,582 | 40.4 |

*In September, 1980, Canada Post became a separate employer. At that time, proportions of men and women employed at the old postal department were 71 and 29 per cent, respectively. The act of creating Canada Post removed 60,000 employees from the population of the Public Service (Source: Public Service Commission. *Annual Report 1981*. Ottawa, 1982).

Source: 1976 data: Public Service Commission of Canada, Office of Equal Opportunities for Women. "History of the Office of Equal Opportunities for Women and Public Service Commission Objectives and Initiatives in Support of the Federal EOW Program". Ottawa, February, 1983, Table 1.
1982 data: Canada. Public Service Commission of Canada. *Annual Report 1982*. Ottawa, 1983, Table 10, pp. 57-58.

In 1983, 11.9 per cent of all male public service employees earned less than $20,000; 37.9 per cent of all female public servants earned less than this amount.[9]

A program to increase the participation of disabled workers in the federal public service was initiated in March, 1978. The program, according to available figures, has had limited impact. "Handicapped persons represent less than one-half of one per cent [of the public service]. Yet it is estimated that five per cent of the population are employable handicapped persons."[10]

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9. Canada. Public Service Commission of Canada. *Annual Report 1983*. Ottawa, 1984; Canada. Public Service Commission of Canada. Office of Equal Opportunities for Women. "History of the Office of Equal Opportunities for Women and Public Service Commission Objectives and Initiatives in Support of the Federal EOW Program". Ottawa, February, 1983.

10. Canada. Treasury Board of Canada. *Affirmative Action Press Kit*. Ottawa, June 27, 1983. Annex E, p.4.

There is a Black Employment Program in Nova Scotia, instituted in 1973 and administered by the federal government. Its mandate is to promote black employment in the federal public service in Nova Scotia. In 1981 and 1982, 2.2 per cent of federal public service employees in Nova Scotia were black, compared to a black participation rate in the Nova Scotia labour force of 4.5 per cent.[11]

The Affirmative Action Directorate of Canada Employment and Immigration Commission has contacted more than 1,400 employers since 1979 to encourage them to participate in a voluntary affirmative action program. As of July, 1984, 71 companies had agreed to do so.[12]

It is difficult to see how a voluntary approach, that is, an approach that does not include an effective enforcement component, will substantially improve employment opportunities for women, native people, disabled persons, or visible minorities. Given the seriousness and apparent intractability of employment discrimination, it is unrealistic and somewhat ingenuous to rely on there being sufficient public goodwill to fuel a voluntary program.

## Mandatory Programs

a) The Canadian Experience. Mandatory employment equity means that employers are required, rather than requested, to implement measures designed to eliminate discriminatory employment barriers. In Canada, mandatory programs have been used only rarely.[13]

The federal, and most provincial, human rights commissions have the right to approve and in some cases to order the adoption by an employer of special measures to improve the employment disadvantages faced by certain groups.[14] Moreover, as is discussed in Chapter I of this Report, the courts will be entitled, after April 17, 1985, pursuant to section 24 of the Canadian Charter of Rights and Freedoms, to order the kind of ameliorative measures for disadvantaged groups contemplated by section 15(2) of the Charter.[15]

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[11] Seydegart, Kasia, and Spears, George. "You'd Think You Were In Heaven : Federal Government Legislation, Policy, and Programs that Affect Equality in Employment of Four Target Groups." Paper prepared for the Commission of Inquiry on Equality in Employment, October, 1983.

[12] Canada. Employment and Immigration Canada. Affirmative Action Directorate. Unpublished Data, Ottawa, 1984.

[13] At the end of the Second World War, a preferential hiring program for veterans was introduced in the federal public service. This provision continues to exist as s.16(3) of the *Public Service Employment Act*, R.S.C. 1970, C.P-32, as amended.

Mandatory measures have been successfully implemented through resource development surface lease agreements in Saskatchewan, in some cases dramatically increasing the proportion of native people in certain corporations' workforces to as much as 50 per cent over a five-year period.[16]

The new Canada Oil and Gas Lands Act (COGLA)[17] seeks to compel the "employment of Canadians" and may require the "employment and training of disadvantaged individuals or groups" by corporations undertaking resource development.

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[14] Under the *Canadian Human Rights Act*, (S.C. 1976-77, C.33, as amended, s.41(2)), and the *Saskatchewan Human Rights Code*, (S.S. 1979, C.S-24.1, s.31(7)), the board of inquiry, or comparable body, is specifically authorized to order implementation of an affirmative action program in a case where discrimination has been established. A board of inquiry appointed by the Canadian Human Rights Commission first utilized this provision in August, 1984, requiring Canadian National Railways to hire women for blue-collar positions. (Unreported as of October, 1984.)

The *Ontario Human Rights Code*, (S.O. 1981, C.53, s.13(1)), the *New Brunswick Human Rights Act*, (R.S.N.B. 1973, C.H-11, s.13), the Northwest Territories *Fair Practices Ordinance*, (R.O.N. W.T. 1974, C.F.2, s.14), the *Nova Scotia Human Rights Act*, (S.N.S. 1969, C.11, as amended, s. 19), the *Prince Edward Island Human Rights Act*, (S.P.E.I. 1975, C.72, s.19), the British Columbia *Human Rights Act*, (S.B.C. 1984, c. 22, s. 19(2)), the *Manitoba Human Rights Act*, (S.M. 1974, c. 65, s. 9), the Quebec *Charter of Human Rights and Freedoms*, (R.S.Q. 1977, c. C-12, ss. 86-1-86-7, added by S.Q. 1982, c. 61), and the Alberta *Individual Rights Protection Act*, (R.S.A. 1980, C-I-2, s.13(1)(b)), all permit affirmative action programs by providing mechanisms for their protection or approval.

Successful affirmative action programs have been implemented under the direction of the Saskatchewan Human Rights Commission (see Saskatchewan Human Rights Commission. *Affirmative Action: A Case Book of Legislation and Affirmative Action Programs in Saskatchewan*. Saskatoon, March 1983.)

[15] Canadian Charter of Rights and Freedoms. *The Constitution Act 1982*, C.11 (U.K.). Section 15(2) states:

> Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

[16] A Surface Lease Agreement between the Government of Saskatchewan and Amok/Cluff Mining included the requirement that 50 per cent of all employees would be "Northerners". The program has been extremely effective in increasing the participation rates for native people by adjusting to their lifestyle needs, providing on-the-job training, and flying native employees to and from their homes every other week.

[17] *Canada Oil and Gas Lands Act*, S.C.1980-81, C.81, s.10(4). See also the *Northern Pipeline Act*, S.C.1977-78, C.20, as amended S.C.1980-81, C.80, s.6.

In the federal public service, largely through the requirement of bilingual fluency,[18] and in Quebec,[19] mandatory measures have been successful in reversing historic employment disadvantages for francophones.

In 1983, Treasury Board announced an affirmative action program designed to increase the participation of women, native people, and disabled persons in the federal public service.[20] There are no goals or timetables set for native people or disabled persons. The only goals are those aimed at increasing the number of women in management.[21] The program's target for women in management is to increase their participation from the 1983 number of 217 to 475 by March 31, 1988.[22]

b) The American Experience. The United States and Canada have in common a commitment to the rule of law and to the pursuit of equality. For that reason, although these countries are undeniably different in important historical, political, and social respects, the American experience with mandatory affirmative action is worth examining.

Three recent American reports confirm that enforceable legal requirements are essential to the success of affirmative action programs and, further, that they encourage voluntary compliance by businesses not directly covered by such requirements.[23]

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[18] After the *Official Languages Act* (1968-69, C.54, s.2) was adopted by Parliament in 1969, a resolution was adopted by Parliament in June, 1973, that stated clearly the commitment that federal public servants should be able to work in the official language of their choice and that members of the public could obtain services from them in both official languages.

Pursuant to this policy, and subsequent revisions, special recruiting was done. By 1982, the representation of francophones in the federal public service was 26.8 per cent, a figure corresponding to their representation in the Canadian population. (Canada. Public Service Commission of Canada. *Annual Report 1982*. Ottawa, 1983.)

[19] In Quebec, the *Charter of the French Language* was adopted on August 26, 1977, making French the official language of the province of Quebec in government and the everyday language of work, education and business.

Every organization subject to the Quebec *Charter* (including businesses with 50 or more employees) is obliged to set goals and timetables designed to ensure the general use of French. The six-year program, beginning in 1977, required those covered by the legislation to attain their goals by no later than December 31, 1983.

[20] Canada. Treasury Board of Canada. *Affirmative Action Press Kit*. Ottawa, June 27, 1983.

[21] *Ibid.*

[22] Canada. Treasury Board of Canada. *News Release 83/36, October 13, 1983*. Ottawa, 1983.

The Commission was told by individuals across Canada that, although they were relieved that an initiative had been taken by the federal government, they felt the enforcement component was inadequate. The targets for women were felt to be too low, unnecessarily restricted to management levels, and scheduled over an unduly long period of time, given the small increase in participation sought. Visible minorities were deeply concerned over having been excluded from the program.

In the United States, the federal statutory obligation not to discriminate is found in Title VII of the Civil Rights Act of 1964,[24] administered by the Equal Employment Opportunity Commission. Executive Order 11246[25] regulates through contract compliance the employment practices of businesses that contract with the American government. Contract compliance is regulated by the Office of Federal Contract Compliance Programs.

Under the Executive Order, affirmative action is a contractual obligation, independent of a finding of discrimination against the contractor. Under Title VII, although there is a statutory duty not to discriminate, affirmative action can be ordered as a remedy only after there has been a judicial finding of discrimination. Despite this difference, the intent of both laws is the same: to ensure that employers' practices neither intentionally discriminate against nor have an adverse impact on minorities and women.

Affirmative action has, on the whole, been an effective method for increasing the participation rates in employment of minorities and women. Government intervention has successfully resulted in improved participation rates for minorities in every occupational category.[26]

A recent study compiled by the United States Census Bureau and the Bureau of Labor Statistics found women holding 30.5 per cent of that nation's executive, administrative, and managerial positions in 1980, compared to 18.5 per cent in 1970. In 1970, women were 21.7 per cent of the country's public officials but no women were chief executives of government agencies. By 1980, 11,876 women headed government agencies to constitute 25.6 per cent of those chief administrators, and women increased their representation as public officials to 33.6 per cent.[27] The participation rate of women in the labour force in the United States increased from 43.3 per cent in 1970 to 52.6 per cent in 1982.[28]

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[23] United States Senate. Committee on Labor and Human Resources. *Committee Analysis of Executive Order 11246 (The Affirmative Action Program).* Hatch Committee Report. Washington, D.C.: U.S. Government Printing Office, 1982; United States. Department of Labor. Employment Standards Administration. *Employment Patterns of Minorities and Women in Federal Contractor and Noncontractor Establishments, 1974-1980: A Report of the Office of Federal Contract Compliance Programs* [the Crump Report]. Washington, D.C.: Department of Labor, 1984. Leonard, Jonathan S. "*The Impact of Affirmative Action*". A research report undertaken in co-ordination with the National Bureau of Economic Research, Cambridge, Massachusetts and the Institute of Industrial Relations and the School of Business Administration, University of California at Berkeley, 1983.

[24] *Civil Rights Act of 1964*, Pub. L. No.88-352, 78 Stat.253 (codified at 42 U.S.C. para. 2000e (1976)).

[25] President Johnson's Executive Order 11246, Sept. 24, 1965 (3 CFR 339), amended by Executive Order 12086. Superseding Executive Orders 10590, 10722, 10925, 11114 and 11162.

[26] Blumrosen, Alfred W. "Six Conditions for Meaningful Self-Regulation", 69 *American Bar Association Journal*, pp.1264-1266 (September 1983).

The main strategy in the United States for eliminating employment discrimination is the systemic approach, which emphasizes the impact of practices on minorities and women rather than the intention of an employer. This approach was confirmed as salutary in the 1971 watershed case of *Griggs* v. *Duke Power Co.*[29] The court held:

> The touchstone is business necessity. If an employment practice which operates to exclude [minorities] cannot be shown to be related to job performance, the practice is prohibited.[30]

This strategy confronts employment discrimination by defining discrimination objectively in terms of the:

> ...statistical impact of employment practices and [requiring] the justification of such practices by a business necessity standard instead of focusing only on subjective proof that the state of mind of the employer was deliberately to exclude blacks or women or some other group.[31]

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[27] Schmid, Randolph. "Women Hold Almost 33% of U.S. Management Jobs". *Toronto Star*, April 21, 1984, p.F6.

The study by the United States Census Bureau and the Bureau of Labor Statistics referred to in this article confirms, however, that there has been little improvement in the areas of wage discrimination and occupational segregation. See Bianchi, Suzanne M., and Rytina, Nancy. "Occupation Change, 1970-80". Paper prepared for presentation at the annual meeting of the Population Association of America in Minneapolis, Minnesota on May 4, 1984. See also, Fraker, Susan. "Why Women Aren't Getting to the Top". *Fortune*, April 16, 1984, pp.40-45.

[28] U.S. Bureau of Labor Statistics. "Supplement to Table 12. Labor Force Participation Rates (Civilian Labor Force Basis) By Sex, 1960-82 — continued."

[29] *Griggs* v. *Duke Power Co.* 401 U.S. 424 (1971).

[30] *Ibid.*

[31] Robertson, Peter C. "Strategies for Improving the Economic Situation of Women: Systemic Thinking, Systemic Discrimination, and Systemic Enforcement" in *Equal Employment Policy for Women: Strategies for Implementation in the United States, Canada, and Western Europe*. ed. Ronnie Steinberg Ratner (Philadelphia: Temple University Press, 1980), p.130.

There are demonstrated difficulties relating to the administration of affirmative action in the United States.[32] Difficulties appear to flow from a duplication of function and a sometime inconsistency of requirements between the Office of Federal Contract Compliance Programs and the Equal Employment Opportunity Commission, an unnecessarily overwhelming burden of paperwork on employers,[33] and bureaucratic inefficiencies.

Many of these problems arose because of the incremental way in which the American system developed after being introduced in 1964. The difficulties in process, although instructive in the design of a Canadian model, should not detract either from the credit due the United States for its willingness to deal with the problem in a credible way, or from the fact that affirmative action has been an effective instrument for redressing employment discrimination.

## INSTRUMENTS OF IMPLEMENTATION

The sense of urgency expressed by individuals in the designated groups across Canada and validated by the evidence of their economic disadvantage is irreconcilable with the voluntary and gradual introduction of measures to generate more equitable participation. The choice for government is between imposing and hoping for equality in employment, between ensuring the right to freedom from discrimination and its mere articulation. In a society committed to equality, the choice is self-evident.

Laws reflect commitment. They entrench objectives and they advertise the genuine determination to inhibit or encourage certain behaviour. They define the limits of acceptable behaviour.

A law communicates to its applicable community that it represents a minimum standard below which conduct will not be tolerated. It is a signal of a community expectation.

This is law as the promulgation of public policy, the expression through Parliament of a societal ideal. The character of a community is developed and defined by the laws it passes, the cumulative observance of which represents the essence of what society sees as its most desirable self.

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[32] These difficulties are discussed in the reports cited in footnote 23 (The Hatch Committee Report, the Crump Report, and the report by Jonathan S. Leonard).

[33] Nearly all federal contractors who are subject to Executive Order 11246 are also subject to Title VII of the *Civil Rights Act of 1964*, and the agencies administering each may investigate corporations for the same purpose.

Sincerity is often judged by a willingness to act on a stated belief. Through laws, governments are able to make known the sincerity of their commitment. In making fair laws they encourage behaviour and influence beliefs. In failing to make fair laws, they do likewise.

A government genuinely committed to equality in the workplace will use law to accomplish it and thereby give the concept credibility and integrity.[34]

This Commission recommends that a law be passed requiring all federally regulated employers, including crown corporations, government departments, agencies, and businesses and corporations in the federally regulated private sector, to implement employment equity.

This legislation should include three major components:

- a requirement that federally regulated employers take steps to eliminate discriminatory employment practices;
- a requirement that federally regulated employers collect and file annually data on the participation rates, occupational distribution, and income levels of employees in their workforces, by designated group; and
- an enforcement mechanism.

## Employment Equity

The statutory requirement to implement employment equity would oblige all federally regulated employers to develop and maintain employment practices designed to eliminate discriminatory barriers in the workplace and to improve where necessary the participation, occupational distribution, and income levels of women, native people, disabled persons, and individuals in specified ethnic and racial minority groups.[35] The obligation would apply on a "no-fault" basis[36] — no prior finding of discrimination is necessary. The requisite amendments to the Canadian Human Rights Act should be made so that employers may undertake these ameliorative programs without requiring the prior approval of the Canadian Human Rights Commission.[37]

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[34] The Chief Executive Officers of the 11 designated crown corporations acknowledged that the elimination of discriminatory employment barriers would likely be more rigorously addressed by businesses if required by law.

[35] The designation of these minority groups is further explained in the section on data in this chapter.

[36] Norman, Ken. "The Future for Affirmative Action Practitioners". Notes for an Address to a Practitioners' Workshop on Affirmative Action. April 15, 1983, p. 12.

Although it is unnecessary to list in the statute all the areas in which employers and unions would be expected, where necessary, to adjust their practices, the main ones should be itemized. These areas include recruitment and hiring practices;[38] promotion practices; equal pay for work of equal value; pension and benefit plans; reasonable accommodation and workplace accessibility; occupational testing and evaluation; occupational qualifications and requirements;[39] parental leave provisions; and opportunities for education and training leaves.

Employers would be given flexibility in the redesign of their employment practices in order to accommodate the uniqueness of each employer's structure, location, and type of business. But because this would be for most employers a relatively new kind of undertaking, employment equity guidelines would be formulated by the enforcement agency in each relevant area to assist them in their planning process. These guidelines would be developed through an ongoing regional and national consultation process with representatives of business, labour, and the designated groups to assist employers in the design of non-discriminatory employment practices. Employment equity plans would not be required to be submitted for prior approval to the enforcement agency.

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[37] Sections 15 and 15.1 of the *Canadian Human Rights Act* S.C.1976-77, C.33, as amended, now states:

> 15. (1) It is not a discriminatory practice for a person to adopt or carry out a special program, plan or arrangement designed to prevent disadvantages that are likely to be suffered by, or to eliminate or reduce disadvantages that are suffered by, any group of individuals when those disadvantages would be or are based on or related to the race, national or ethnic origin, colour, religion, age, sex, marital status, family status or disability of members of that group, by improving opportunities respecting goods, services, facilities, accommodation or employment in relation to that group.
>
> 15.1 (1) A person who proposes to implement a plan for adapting any services, facilities, premises, equipment or operations to meet the needs of persons arising from a disability may apply to the Commission for approval of the plan.

[38] See Gerdes, Eugenia Proctor, and Garber, Douglas M. "Sex Bias in Hiring: Effects of Job Demands and Applicant Competence". 9 *Sex Roles* No. 3, (1983), p.307. The article points out how benign discrimination on the part of interviewers can exclude qualified women from jobs.

[39] The courts and boards of inquiry appointed under human rights legislation have held that the determination of whether an occupational requirement that has an adverse impact is bona fide (that is, necessary for the safe and efficient operation of the enterprise) depends on:

(a) whether there is an alternative practice able to meet the employer's objective with no, or at least a lesser, adverse impact; and, if not,

(b) whether the practice or requirement is objectively relevant to the job or an objective indicator of a person's ability.

See *Singh* v. *Security and Investigation Services Ltd.*, unreported, May 31, 1977, Ontario Board of Inquiry; *Colfer* v. *Board of Commissioners of Police and the Ottawa Police Chief*, unreported, January 12, 1979, Ontario Board of Inquiry; *Foster* v. *B.C. Forest Products Ltd.* (1979), aff'd., [1980] 2 W.W.R. 289 (B.C.S.C.); *Grole* v. *Sechelt Bldg. Supplies, 1971*; *Ontario Human Rights Commission et al* v. *The Borough of Etobicoke* (1982) 3C.H.R.R. D1781, Supreme Court of Canada; *Foreman, Butterill and Wolfman* v. *VIA Rail Canada Inc.*, (1980) 1C.H.R.R. D/111.

Employers would be required to have at their workplaces employment equity committees consisting of representatives of management, labour, and the designated groups.[40]

It would also be expected that employers would set annual internal objectives but these would not be required by statute. No quotas would be imposed.

The goal of establishing a statutory obligation to implement employment equity is to eliminate discriminatory barriers in the workplace and to expand the employment opportunities of qualified individuals in designated groups who have previously suffered employment discrimination.

Employment equity is a methodology that measures successful compliance by whether the results are reasonable in the circumstances, regardless of the system used by an employer to improve employment practices.[41] When results have been determined by the enforcement agency to be unreasonably low, taking into account the employer's job openings, prior record, and the realities of the local labour force, then the agency would determine whether these results reflect discriminatory employment practices. If they do, the employer would be advised to amend these employment practices.

The effective enforcement of such an approach requires two significant features:

a) the availability of data; and

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[40] The occupational health and safety committees serve as useful models in the establishment of representative policy committees.

[41] This has been referred to as the "bottom-line" approach. See Blumrosen, Alfred W. "The Bottom Line Concept in Equal Employment Opportunity Law". 12 North Carolina *Central Law Journal* (Fall 1980, No. 1) pp. 1-20.

b) an adequate enforcement agency staffed by appropriately skilled personnel.

## Data Collection

Data are indicators. They can signal the possibility that a group is being adversely affected by discriminatory practices. Most people do not intend to discriminate.[42] Yet it matters little whether discrimination derives from an oblivious or a myopic outlook. If we are to design a system imposing an obligation on employers to remedy the impact of discrimination, whatever its source, then, in fairness to both the employers and the individuals they are expected to assist, there must be a barometer to measure whether the remedy has been effective. Data provide such a barometer.

But data are by no means determinative. They simply indicate where further investigation is necessary. An employer's meagre rate of improvement may reflect an absence of hiring opportunities or qualified applicants rather than an inequitable employment practice.

There is in Canada at present an insufficient data base to determine with accuracy the number of available and qualified women and minorities in the relevant labour market. When this data base is improved, it would be one of the appropriate indicators against which to test the reasonableness of an employer's results.[43] It would also provide information to assist employers in setting their own annual internal objectives. Until the data are refined, employers would more usefully be compared, and even ranked, with the performance of other businesses in the same industry or region, and with their own data from previous years.

It is to the data we look to see the extent to which the cumulative impact of discrimination is being reversed.[44]

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[42] Canada. Minister of State Multiculturalism. Gallup Omnibus Study. November, 1981.

[43] This barometer — the currently available external labour supply — was recommended in the Hatch Committee Report (*Supra*, footnote 23, p.76).

Under Executive Order 11246, federal contractors are obliged to declare "underutilization" of minorities and women where the composition of their workforce does not more or less correspond to the currently available relevant external labour supply. This declaration requires the contractor to take remedial steps by means of an affirmative action plan.

[44] See also Belton, Robert. "Discrimination and Affirmative Action: An Analysis of Competing Theories of Equality and Weber", 59 *North Carolina Law Review* (1981), p.570.

Data requirements would include:

a) Employers would be required to provide information on workforce participation — on the total number of women, and on the number of native people (Status Indian, non-Status Indian, Métis and Inuit), disabled persons, and specified ethnic and racial minorities, by gender, in every occupational category and in each salary quartile. The salary range for each occupational category would have to be reported.

Data showing the representation of individuals in the designated groups in hirings, promotions, terminations, lay-offs, part-time work, contract work, corporate task forces or committees, and training or educational leaves would also have to be provided by the employer.

b) All employers would be required to request the necessary information from employees.[45] Employees would be assured of confidentiality.

c) Information would be collected and filed annually on a standardized form to permit comparison.

d) The standardized data collection requirements would be formulated by the enforcement agency in consultation with Statistics Canada.

e) To permit better analysis and assessment, the data classifications developed for the implementation of employment equity should match as closely as possible the data classifications of Statistics Canada.

This Commission requested information from crown corporations in 12 broad occupational categories[46] based on Statistics Canada's 500 job classifications to provide an overview. In any ongoing data collection system, however, more precise categories should be used to indicate more accurately the distribution of designated groups in the workplace. Statistics Canada's existing two-digit level of 23 occupational categories, for example, would provide more refined information.

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[45] This would require an amendment to section 8 of the *Canadian Human Rights Act*, S.C. 1976-77, C.33 as amended. At present, this section states:

> It is a discriminatory practice
> (a) to use or circulate any form of application for employment, or
> (b) in connection with employment or prospective employment,
>     (i) to publish any advertisement, or
>     (ii) to make any written or oral inquiry
> that expresses or implies any limitation, specification or preference based on a prohibited ground of discrimination.

The Chief Executive Officers of the eleven designated crown corporations had no objection to the collection of data.

[46] These were developed by Dr. Marilyn Mohan for the Commission (See Appendix D).

f) The enforcement agency would send the data for analysis to Statistics Canada, an independent body and the best source of statistical information in Canada. Statistics Canada would determine the rates of change for each employer and rank them by industry. The results would be returned to the enforcement agency for assessment. Amendments to the Statistics Act should be made to permit analysis and disclosure of employers' data.[47]

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[47] At present, the *Statistics Act*, S.C. 1970-71-72, C.15 as amended; S.C. 1976-77, C.28, S.41; S.C. 1981, C.47, S.41, in section 16 defines the responsibilities of the Minister and the Chief Statistician by authorizing discretionary exceptions to the general prohibition against divulging information.

Section 16 states:

(1) Except for the purpose of communicating information in accordance with any conditions of an agreement made under section 10 or 11 and except for the purposes of a prosecution under this Act but subject to this section,
  (a) no person, other than a person employed or deemed to be employed under this Act, and sworn under section 6, shall be permitted to examine any identifiable individual return made for the purposes of this Act; and
  (b) no person who has been sworn under section 6 shall disclose or knowingly cause to be disclosed, by any means, any information obtained under this Act in such a manner that it is possible from any such disclosure to relate the particulars obtained from any individual return to any identifiable individual person, business or organization.

(2) The Minister may, by order, authorize
  (a) the particulars of any information obtained in the course of administering this Act to be communicated to a statistical agency of a province pursuant to an agreement under section 10; and
  (b) the particulars of any information collected jointly with a department or corporation pursuant to an agreement under section 11 to be communicated to the department or corporation that was party to the collecting of the information.

(3) The Chief Statistician may, by order, authorize the following information to be disclosed:
  (a) information collected by persons, organizations or departments for their own purposes and communicated to Statistics Canada before or after this section comes into force, but such information when communicated to Statistics Canada shall be subject to the same secrecy requirements to which it was subject when collected and may only be disclosed by Statistics Canada in the manner and to the extent agreed upon by the collector thereof and the Chief Statistician;
  (b) information relating to a person or organization in respect of which disclosure is consented to in writing by the person or organization concerned;
  (c) information relating to a business in respect of which disclosure is consented to in writing by the owner for the time being of the business;

g) The enforcement agency would make the employers' data, the analysis, and the assessment available publicly by tabling annually a report in Parliament.

h) Although the requirement to implement employment equity would take effect immediately upon the enactment of legislation and the duty to collect data would take effect upon the development of standardized data collection requirements, the duty to file data would not take effect for three years. This would permit the development and coordination of data requirements, the reorganization of an employer's information systems, and the necessary restructuring of an employer's human resource or strategic planning systems.

i) At present, data are collected through the census every five years[48] and include, among other things, current occupation, edu-

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- (d) information available to the public under any statutory or other law;
- (e) information relating to any hospital, mental institution, library, educational institution, welfare institution or other similar non-commercial institution except particulars arranged in such a manner that it is possible to relate such particulars to any individual patient, inmate or other person in the care of any such institution;
- (f) information in the form of an index or list of
  - (i) the names and locations of individual establishments, firms or businesses,
  - (ii) the products produced, manufactured, processed, transported, stored, purchased or sold, or the services provided, by individual establishments, firms or businesses in the course of their business, and
  - (iii) the names and addresses of individual establishments, firms or businesses that are within specific ranges of numbers of employees or persons engaged or constituting the work force; and
- (g) information relating to any carrier or public utility.

(4) In this section,

- (a) "carrier" means any person or association of persons that owns, operates or manages an undertaking that carries or moves persons or commodities by any form of land, sea or air transport; and
- (b) "public utility" means any person or association of persons that owns, operates or manages an undertaking
  - (i) for the supply of petroleum or petroleum products by pipeline,
  - (ii) for the supply, transmission or distribution of gas, electricity, steam or water,
  - (iii) for the collection and disposal of garbage or sewage or for the control of pollution,
  - (iv) for the transmission, emission, reception or conveyance of information by any telecommunication system, or
  - (v) for the provision of postal services.

[48] Statistics Canada is required by law to conduct the census. The revision of the Statistics Act in 1970 stipulated that: "A Census of Population of Canada shall be taken in the month of June in the year 1971, and every fifth year thereafter in a month to be fixed by the Governor in Council".

cation, unemployment and participation rates. The census should also seek information on promotions, absenteeism, past employment, pre-employment training and education, length of time and wages paid in the current occupation, hours worked weekly, length of time with a particular employer, and number of years in the labour force. The data would be analysed by gender, race, minority status, and disability, by industry, and by the smallest possible geographic area.

This new information, plus the data Statistics Canada now collects on labour force participation, educational qualifications, and populations, would contribute to the accuracy of analysis and assessment. More longitudinal studies should be undertaken by Statistics Canada to measure the integration of designated groups.

j) Statistics Canada would provide the enforcement agency with available data, by region and industry, necessary to assist employers in the formulation of annual internal objectives.

k) Based on the most current information available from Statistics Canada, and on consultations with representatives of the relevant groups, the enforcement agency would determine, by region, the ethnic and racial minorities to be specified as subjects for employment equity. These specified minorities would be included in any employment equity program in addition to women, native people, and disabled persons. The objective is to concentrate on those who have been disadvantaged by discrimination by taking into account their participation rates, income levels, unemployment rates, or occupational segregation.[49]

This Commission was instructed to look at the employment situation of visible minorities. These groups were defined by the Commission as persons who are non-white.

The evidence is that some visible minorities are doing less well than others in employment.[50] Consideration may be given to the possibility that those visible minorities who appear not to be in need of the benefit of employment equity programs be excluded from them. At present, however, the data available from Statistics Canada are not sufficiently refined by occupational segregation, income levels, or other employment indicators, or by race or region, to determine which visible minorities should be excluded from employment equity programs. Any such decisions should be made not only on the basis of better data but also on the basis of consultation with members of the relevant minorities.

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[49] Phillips, D. Rhys, *supra*, footnote 3; Blumrosen, Alfred W., *supra*, footnote 41.

[50] Podoluk, Jenny. "Profiles of the Canadian Labour Market." Paper prepared for the Commission of Inquiry on Equality in Employment, 1983.

See also a 1975 Canadian Employment and Immigration Commission study which showed that, compared to other immigrants entering Canada, Third World immigrants, despite better educational qualifications than other immigrants, are underrepresented in managerial, craft, and professional categories as well as in occupations of their choice. Blacks are underrepresented no matter how long they have been in Canada. (Saunders, George. "The Labour Market Adaptation of Third World Immigrants". Text (preliminary draft) of Presentation at the Conference on Multiculturalism and Third World Immigrants in Canada, University of Alberta. September 5, 1975.)

l) Self-identification by employees of their gender, race, minority status, or disability would be voluntary.[51] The possibility that incomplete information might be obtained by this method would have to be accommodated in any analysis or assessment of an employer's data.

In the United States, the existence of corporate objectives set annually[52] and consideration of the extent to which these objectives have been met in appraising a manager's performance have been shown to be components of a successful affirmative action program. Given the methodology recommended by this Commission, however, these are factors more appropriately encouraged by employment equity guidelines rather than imposed by statute.

Initially, the concentration in enforcement should be on the rates of change in participation, promotions, pay practices and other aspects of employment systems within each workplace, rather than on whether the internal labour force of any one corporation mirrors the putative external supply in the relevant labour market. The data on external supply do not in any event necessarily represent an accurate picture of what is feasible. Not all who are qualified, for example, will be immediately available for, or willing to join, the workforce, or interested in working in the kind of jobs for which they are trained.

Concentrating on existing supply may limit efforts required to increase the supply of qualified applicants from among the designated groups. Many more women, native people, minorities, or disabled persons who are qualifiable would undoubtedly apply for education, training, or employment opportunities if they had greater confidence that they would not be rejected; if the workplace were more physically accommodating in both environmental and structural respects; if they had more personal support systems such as childcare or a better transportation system in geographically remote areas; if the job requirements were more relevant to the job to be performed; or if there were more flexible work opportunities such as part-time work or varied hours. Minus some compelling obstacle, if the barriers are eliminated and if more aggressive and creative recruitment by employers takes place, the participation of individuals in the designated groups is almost certain to increase and become more equitable.

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[51] Most individuals in the four designated groups with whom the Commission met had no objection to providing data to corporations on a voluntary basis since they understood that only with the existence of this data can change be measured. They were beyond worrying that such information tends to categorize them unfairly and felt that until such time as they were equitably integrated into the employment systems of this country, they were prepared to live with the need for the collection of data.

[52] According to the Hatch Committee Report (*supra*, footnote 23, p.66), the setting of specific goals is a common practice of business and industry.

At the same time that these requirements are being imposed on employers, governments at all levels would be expected to work toward correcting the legislative, economic, social, physical, educational, and communication barriers that depress the expectations and opportunities for women, native people, minorities, and disabled persons.

In time, a contrapuntal policy approach by government, educators, and employers will increase the ranks of qualified labour in the designated groups. At the moment, however, the approaches are syncopated and not at all conducive to making maximum use of the country's human resources. Only with a synchronized attack on the problem, will all who are qualifiable be sought out, encouraged, and assisted in qualifying for employment opportunities.

If the collection, filing, and reporting of data and the statutory requirement to improve practices produce inadequate results, consideration may then be given to the use of quotas. Such quotas are not being recommended in this Report as a general strategy for a number of reasons:

a) They tend to be set low on the understanding that they are to be a minimum objective, yet end up being the maximum beyond which organizations believe they need not strive.

b) They may overlook regional considerations and the different demand and supply issues faced by different industries and groups.

c) They may foster resistance, condescension, and resentment in the workplace and can be gratuitously insulting to, and undermining of the individuals so hired or promoted.

d) They are inflexible and arbitrary.

Those who argue in favour of quotas, however, point to the ease with which they can be monitored and the clarity of the expectation they produce. They may also be appropriate in regions or industries in which designated groups have been severely underrepresented.

In two landmark American cases,[53] the United States Supreme Court confirmed that in certain circumstances quotas were an appropriate remedy to redress historical discriminatory exclusions. As was observed by one of the judges in the *Bakke* case:

> In order to get beyond racism, we must first take account of race. There is no other way ... We cannot let the equal protection clause perpetuate racial supremacy.[54]

As for the argument that quotas result in the hiring of unqualified employees, it is worth remembering that, even in the absence of quotas, a presumption of an absence of qualifications often operates to exclude members of the designated groups from consideration by employers. To be unwilling to hire someone because he or she lacks qualifications is entirely legitimate; to presume an absence of qualifications because of some stereotypical disqualifying assumption attributed to all individuals in a certain group is not.

It is wrong to suggest, as many have, that the main reason women, native people, disabled persons, and some minorities are underemployed is their lack of qualifications. It may be one of the reasons, certainly, but it is a distant second to the subtle but powerful wall of systemic discrimination that surrounds employment opportunities.

Many individuals in these groups are, or could be, qualified but are never given the opportunity, that is, the training or the job, within which to demonstrate an aptitude. Quotas are one way of insisting that organizations provide these opportunities. They are not the best way.

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[53] *United Steelworkers of America, AFL-CIO-CLCU* v. *Weber*, 443 U.S. 193 (1979); *Regents of the University of California* v. *Bakke*, 98 S.Ct. 2733 (1978). The latter case was decided pursuant to Title VI of the *Civil Rights Act of 1964*, dealing with funding of educational institutions.

Section 15(2) of the *Canadian Charter of Rights and Freedoms* appears to be an attempt to deal with the potential problem of "reverse discrimination" discussed in the *Bakke* case. Section 15(2) provides that ameliorative programs for disadvantaged persons are neither violations of equality nor discriminatory. Similar provisions are found in the *Canadian Human Rights Act*. *Supra*, footnotes 15 and 37.

[54] *Regents of the University of California* v. *Bakke*, 98 S.Ct. 2807 per Blackmun, J., dissenting.

Imposed quotas, when set too low, tend to freeze opportunities at a reduced level. Quotas as arbitrary objectives represent short-term solutions. The elimination of barriers, on the other hand, is a long-term approach in the pursuit of equality.

## Enforcement Mechanisms

The requirement to implement employment equity lacks credibility without an enforcement component. An ideal instrument of enforcement for monitoring the promotion of equality in employment would be an agency independent from government,[55] with a qualified staff familiar with labour relations, employment systems, and human rights issues, and with sufficient resources to discharge its mandate adequately.

The agency would formulate and issue employment equity guidelines based on research and on ongoing consultations with regional and national representatives of business, labour, and the designated groups. The process of investigation and review should be as streamlined as is consistent with due process.

Monitoring of employers' results can be done either on a random basis or on a "worst first" basis.[56] It would also be appropriate to focus on certain industries.

Employers should be monitored not only for improvements in the participation rates by group but also for improvements in distribution throughout occupational classifications and pay levels, by designated group. The question is not only how many more of those who were injured by systemic discrimination are working, but whether they are beginning to occupy places they had not previously occupied.

The following four models are presented as alternative enforcement mechanisms. In every model, the assumption is that the statutory requirement to implement employment equity and to collect data would be imposed by legislation. In all models, Statistics Canada would analyze the data. The enforcement agency should be independent from government and should have an ongoing consultative relationship in the development of employment equity guidelines with national and regional representatives from business, labour and the designated groups.

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[55] The European Economic Community regards the establishment of an independent agency as the most effective means of ensuring that the principles of equality are applied. ("West Germany: Re-defining the Equality Principle", 69 *European Industrial Relations Review* (1979), p.9.)

[56] Hatch Committee Report, *supra*, footnote 23, p.74.

## Model 1

The Canadian Human Rights Commission would co-exist with a new, independent agency, the latter being established primarily to facilitate the implementation by employers of employment equity.

The role of the Canadian Human Rights Commission would be to:

- issue employment equity guidelines;
- collect, review, and assess data obtained from employers;
- investigate and adjudicate complaints to determine whether there has been discrimination;
- refer disputes for settlement negotiations to conciliation services available from the facilitative agency; and
- retain jurisdiction over contract compliance.[57]

The new, independent, facilitative agency would:

- have no enforcement powers;
- establish an ongoing consultative process with regional and national representatives of business, labour and the designated groups;
- act primarily as a consultant on a confidential basis to employers by providing expertise on how to implement employment equity;
- act as a consultant to the Canadian Human Rights Commission in the development of employment equity guidelines; and
- provide conciliation services to the Canadian Human Rights Commission. The conciliation process would be "without prejudice", and disclosures or offers made to the conciliator would be deemed to be privileged information. If no settlement is reached, the dispute would be referred back to the Canadian Human Rights Commission for adjudication.

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[57] This involves vitalizing section 19 of the *Canadian Human Rights Act* by passing the necessary regulations.

Section 10 of the Canadian Human Rights Act provides that it is discriminatory to establish or pursue a policy or practice that "tends to" deprive a member or members of a protected class of an employment opportunity.[58] This is the basis of the Canadian Human Rights Commission's jurisdiction over systemic discrimination. If, notwithstanding this provision, the Supreme Court of Canada determines that the intention rather than the impact of behaviour is determinative of whether discrimination has occurred,[59] the Canadian Human Rights Act should be amended to affirm its jurisdiction over systemic discrimination.

### Model 2

A new, independent agency to deal exclusively with the monitoring and enforcement of employment equity would:

- provide information and issue employment equity guidelines to employers;
- collect data from employers;
- review and assess an employer's data, and investigate where necessary the employer's employment practices to determine whether there has been compliance with the requirement to implement employment equity;
- refer disputes over the requirement to amend employment practices to an independent conciliator;
- where no settlement has been effected by the conciliator, refer these disputes to binding arbitration; and
- have jurisdiction over contract compliance.[60]

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[58] *Canadian Human Rights Act* (S.C. 1976-77, C.33 as amended, s.10).

[59] In *Bhinder* v. *Canadian National Railway* (1983) 147 D.L.R. (3d) 312, the majority of the Federal Court of Appeal found that the *Canadian Human Rights Act* had not been violated because the employer had acted without discriminatory intent. This decision is on appeal to the Supreme Court of Canada.

[60] To avoid duplication, this would require the repeal of section 19 of the *Canadian Human Rights Act*, S.C. 1976-77, C.33 as amended 1977-78, C.22; 1980-81, C.54; 1980-81, C.111; 1980-81-82, C.143.
Section 19 states:

> 19. The Governor in Council may make regulations respecting the terms and conditions to be included in or applicable to any contract, licence or grant made or granted by Her Majesty in right of Canada providing for
> (a) the prohibition of discriminatory practices described in sections 5 to 13; and
> (b) the resolution, by the procedure set out in Part III, of complaints of discriminatory practices contrary to such terms and conditions.

The general jurisdiction of the Canadian Human Rights Commission over discrimination would remain intact. This leads to a potential for duplication, even though the object of the Canadian Human Rights Commission is to investigate allegations of discrimination and the object of employment equity is to ensure employment opportunities are provided for designated groups. Although both ultimately seek to eliminate discriminatory practices, they differ in emphasis.

One solution to the possibility of simultaneous review by these two agencies is, where appropriate, to rely on the discretion given to the Canadian Human Rights Commission by section 33[61] of its legislation to delay proceeding with a complaint pending investigation by another investigating body. A similar discretion could be given to the new agency created to enforce employment equity.

It is not unusual to have spheres of expertise separated from general policy themes. Although related to, and an aspect of, labour relations, for example, workers' compensation is accepted as a unique aspect of the field, best administered by apposite systems and personnel. In the same way, the implementation of employment equity, though related to and an aspect of human rights, is also related to labour relations. It is an exercise in workplace dynamics, arguably calling for a different approach and expertise from the one traditionally found in human rights commissions.

### Model 3

Two existing bodies would be relied upon: the Canadian Human Rights Commission and the Canadian Labour Market and Productivity Centre.[62] The Canadian Human Rights Commission would be responsible for:

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[61] *Canadian Human Rights Act*, S.C. 1976-77, C.33 as amended. The section states:

> 33. Subject to section 32, the Commission shall deal with any complaint filed with it unless in respect of that complaint it appears to the Commission that the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided for under an act of Parliament other than this Act;

[62] The Canadian Labour Market and Productivity Centre was established in response to an initiative proposed in the federal Budget Speech of April, 1983. It will examine the issues of productivity improvement, labour market requirements, and employment growth in Canada, and will consist of two branches: the Productivity and Employment Growth Branch, which is to involve labour and business in examining productivity in both the public and private sectors, and the Labour Market Branch, which will examine the supply and demand for key skills and make recommendations to address these issues. The signing of a Memorandum of Understanding to establish the Centre as a joint undertaking among business, labour, and the federal government was announced on January 27, 1984.

- collection, review, and assessment of data obtained from employers;
- issuing employment equity guidelines;
- investigation and adjudication of complaints to determine whether there has been discrimination; and
- enforcement of contract compliance.

The Canadian Labour Market and Productivity Centre would:

- act as a consultative body to the Canadian Human Rights Commission in the development of guidelines, with the benefit of consultation with representatives from the designated groups and the Centre's business and labour members.

### Model 4

This model relies on the provisions of the Canada Labour Code[63] and the Canadian Human Rights Commission.

The Canadian Human Rights Commission would be responsible for:

- issuing employment equity guidelines;
- collection, review, and assessment of data;
- investigation and adjudication of disputes; and
- contract compliance.

Inspectors under the Canada Labour Code would:

- be required to supplement investigations by the Canadian Human Rights Commission by monitoring and referring possible violations of employment equity to the Canadian Human Rights Commission for enforcement.[64]

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[63] *Canada Labour Code*. R.S.C. 1970, C. L-1, proclaimed in force July 15, 1971; as amended R.S.C. 1970 (1st Supp.), C. 22; R.S.C. 1970 (2nd Supp.), C. 17; 1972, C. 18; 1974-75, C. 66, s. 23; 1976-77, C. 28, s. 21 and Schedule I, effective June 29, 1977; 1976-77, C. 54, s. 74(2), effective August 15, 1977; 1976-77, C. 33, s. 66, proclaimed effective March 1, 1978; 1977-78, C. 27, assented to April 20, 1978, ss. 1-20, 22-27.2, 31, 32, 35-51 and 53-74, proclaimed effective June 1, 1978, s. 52, proclaimed effective July 1, 1978, ss. 21, 28-30, 33 and 34, proclaimed effective September 1, 1978; 1980-81, C. 47, s. 27, effective February 19, 1981; 1980-81-82, C. 89, ss. 31-34, proclaimed effective October 1, 1982. The *Canada Labour Code* was further amended by Bill C-34, given Royal Assent on June 29, 1984.

This Commission is not recommending that the requirement of employment equity be included in the Canada Labour Code because of the absence of an independent enforcement mechanism.

## LABOUR AND SENIORITY

Most representatives of labour with whom the Commission met supported the need for mandatory affirmative action.[65] They acknowledged, however, from their observations of the American experience, that the potential for collision exists between the principles of affirmative action and of seniority.

Unions are under a duty imposed by labour legislation to represent all members of the bargaining unit fairly[66] and are also, when they represent employees in federally regulated workplaces,subject to the requirements of the Canadian Human Rights Act not to discriminate and to avoid practices that "tend to" discriminate.[67] The obligations on both employers and unions under these statutes, the existence of remedies under the Canadian Charter of Rights and Freedoms, and the requirements proposed in this Report to make practices equitable and improve participation rates of designated groups should, in combination, inspire the desired creativity and cooperation necessary to revise seniority systems.[68]

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[64] This is similar to section 38.1 of the *Canada Labour Code*, which provides this kind of monitoring and referral in suspected equal pay violations. The section states:

> S. 38.1 Application of sections.—(1) For the purposes of ascertaining whether a discriminatory practice under section 11 of the *Canadian Human Rights Act* is being or has been engaged in, sections 63, 64, 66, 67, 68, 68.1 and 76 of this Act apply *mutatis mutandis* as if this Part expressly required an employer to refrain from that discriminatory practice.
>
> (2) Report to Commission.—Where an inspector has reasonable grounds at any time for believing that an employer is engaging or has engaged in a discriminatory practice described in subsection (1), the inspector may notify the Canadian Human Rights Commission or file a complaint with that Commission under section 32 of the *Canadian Human Rights Act*. (R.S.C. 1970 (2nd Supp.), C. 17, s. 9; 1976-77, C. 33, s. 66(2).)

Since its enactment, this section has never been used.

[65] Both the Canadian Labour Congress and the Canadian Union of Public Employees have endorsed a policy of mandatory affirmative action. Canadian Labour Congress. Submission to the Commission of Inquiry on Equality in Employment. October, 1983, p.5; Canadian Union of Public Employees. Submission to the Commission of Inquiry on Equality in Employment. December, 1983, pp.28-31.

[66] *Canada Labour Code*, R.S.C. 1970, C.L-1, as amended, s.136.1.

[67] *Canadian Human Rights Act*, S.C. 1976-77, C. 33 as amended, s.10.

The presumption should continue in favour of bona fide seniority systems. It is important to remember that seniority has been labour's premier equity tool and should be respected as such.

It is clear that, in some cases, limitations to seniority may be required,[69] but the solution to the discriminatory potential of seniority systems, at least at the outset, should be left to collective bargaining, rather than imposed by legislation.[70]

In the United States, section 703(h) of Title VII protects from findings of discrimination bona fide seniority systems that do not intentionally discriminate.[71] This protection exists despite the fact that these systems may have an ongoing discriminatory impact on members of some groups or perpetuate the effects of prior discrimination.[72] Only if the seniority system can be shown to have been adopted with the purpose of discriminating can it be successfully attacked under anti-discrimination legislation.[73]

Where discrimination has been found by the American courts, a number of remedies have been applied, including proportionate lay-offs,[74] constructive or retroactive seniority to give the employees the seniority they would otherwise have had,[75] and broadening the departmental seniority base to company-wide seniority in order to open up competition.[76]

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[68] Existing collective agreements may be amended, where necessary, to achieve this goal by agreement of the parties, pursuant to section 160 of the *Canada Labour Code*, R.S.C. 1970, C.L-1, as amended.

[69] The United States Commission on Civil Rights reached this conclusion after noting that lay-offs by seniority lock in the effects of past discrimination by continuing the prior advantage white males gained in employment. See United States. Commission on Civil Rights. *Last Hired, First Fired, Layoffs and Civil Rights*. Washington, D.C., February, 1977, p.36.

[70] The validity of negotiated, private, affirmative action programs was upheld by the United States Supreme Court in *United Steelworkers of America, AFL-CIO-CLCU* v. *Weber*, *supra*, footnote 53.

[71] *Civil Rights Act of 1964*, Pub. L. No.88-352, 78 Stat. 253 (codified at 42 U.S.C. para. 2000e (1976)), s.703(h).

Section 703(h) states:

Notwithstanding any other provision of this title, it shall not be an unlawful employment practise for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system ... provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex or national origin... .

[72] *International Brotherhood of Teamsters* v. *United States*, 431 U.S. 324 (1977); *Firefighters Local Union No. 1784* v. *Stotts et al* (No. 82-206), 1984. (U.S. Supreme Ct.)

[73] *United Airlines* v. *Evans*, 431 U.S. 533 (1977); *American Tobacco Co.* v. *Patterson* 102 S.Ct. 1534 (1982); *Pullman-Standard* v. *Swint* 102 S.Ct. 1781 (1982).

The United States Supreme Court has considered the adverse impact of seniority systems on the women and minorities who have been more recently employed pursuant to affirmative action hiring practices designed to overcome the effect of prior discrimination.[77] Despite this impact, bona fide seniority systems have been held to prevail in the absence of malevolent design. The Supreme Court appears to have relied on the wording of section 703(h) of Title VII, which requires an intentionally discriminatory seniority system to trigger remedial court intervention.

In this way, seniority cases are distinguishable from the U.S. Supreme Court's previous ruling in *Griggs* v. *Duke Power Co.*[78] In *Griggs*, the U.S. Supreme Court had held that the consequences of, rather than the motives behind, employment practices should ordinarily govern the court in determining whether discrimination has taken place, unless the practice can be justified by business necessity.[79]

The problem of reconciling the equity of seniority systems designed to protect employees from the arbitrary employment practices of employers and to ensure fairness among employees themselves, with the inequitable effect these systems can have on newly protected groups in promotional, lay-off, and termination practices, has spawned an effort in the United States to integrate the need for seniority systems with the need to continue the momentum generated by affirmative action.[80]

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[74] *Watkins* v. *United Steelworkers Local 2369*, 516 F.2d 45 (1975), (reversed); *Jersey Central Power and Light Company* v. *IBEW Local 927*, 508 F.2d 1309 (reversed); *Waters* v. *Wisconsin Steelworkers*, 502 F.2d 1309.

[75] *Franks* v. *Bowman Transportation Co.*, 424 U.S. 747 (1976).

[76] *Quarles* v. *Philip Morris Inc.*, 279 F.Supp. 505 (1968); *Local 189 United Papermakers and Paperworkers* v. *United States*, 416 F.2d 980 (1969).

[77] *United States* v. *City of Chicago*, 663 F.2d 1354 (1981); *Boston Firefighters Union, Local 718* v. *Boston Chapter NAACP*, 103 S.Ct. 2076 (1983); *Guardians Association* v. *Civil Service Commission of City of New York*, 103 S.Ct. 3221 (183); *Firefighters Local Union No. 1784* v. *Stotts et al*, (No.82-206), 1984. (U.S. Supreme Court.)

[78] *Supra*, footnote 29.

[79] *Ibid.*

[80] See Offerman, Bernard J. "Seniority Systems and Affirmative Action: Are They Legally Compatible in a Slack Economy?", 7 *Labour Studies Journal* 99 (No.2, Fall, 1982).

Proposals include plant-wide seniority or more broadly based seniority systems, super-seniority for target group members,[81] alternatives to lay-offs such as work-sharing plans,[82] reduced work weeks, and proportionate or rotational lay-off systems.[83]

As well, the requirement under employment equity that corporations re-examine their practices and job requirements may illuminate some of the needless barriers seniority systems can erect. The loss of seniority in moving from one classification or department to another can inhibit an employee who may wish to change jobs but not at the expense of years of accumulated benefits. For employees in job ghettos, it may be a prohibitive restriction, permanently circumscribing their economic options, regardless of their abilities or qualifications. As such, it could be held by the Canadian Human Rights Commission to be systemic discrimination. Plant-wide, rather than departmental, seniority is a possible solution, with the methods and phasing to be left to negotiation.

Portability of benefits and of seniority rights within a corporation should ultimately be protected by legislation. Beyond this, there is no need to qualify or protect seniority in any new legislation. If the arrangements of a particular employer call for modification, the appropriate modification should be left in the first instance to the employer and union to resolve. Employers and unions which fail to negotiate a solution may be made vulnerable to sanctions and remedies imposed by the appropriate enforcement agency.

## THE PRIVATE SECTOR

It is the recommendation of this Commission that the government should require federally regulated employers, including the federally regulated private sector, to implement employment equity. This recommendation is based on the pervasiveness of systemic discrimination and on the belief that fairness demands a general application of the law. For this reason, provincial governments should give serious consideration to requiring provincially owned and regulated employers to implement employment equity. These requirements should, insofar as is possible, be consistent with those of the federal government.

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[81] *Supra*, footnote 69.

[82] Summers, Clyde W., and Love, Margaret C. "Worksharing as an Alternative to Lay-offs by Seniority: Seven Remedies in Recession", 124 *University of Pennsylvania Law Review* (April, 1976), p.893.

[83] Joseph, Ellen R. "Last Hired, First Fired, Seniority, Layoffs and Title VII: Questions of Liability and Remedy", (1975), 11 *Columbia Journal of Law and Social Problems*, pp.398-399.

The private sector regulated by the Canadian Human Rights Act includes businesses and industries under federal jurisdiction such as banks, airlines, interprovincial railway and trucking companies, and uranium mining companies.[84] The federally regulated private sector represents approximately 5.5 per cent of Canada's workforce.[85]

Those representatives of the private sector from whom the Commission heard were not opposed in principle to taking steps to improve the participation rates of members of the four designated groups. They preferred, however, to have the timing of this improvement dictated by the natural forces of the marketplace and by their own organizational needs rather than by government intervention.

At the same time, they appeared to acknowledge the inevitability of some form of intervention. The intention to consider affirmative action expressed in the 1980 federal Speech from the Throne,[86] the subsequent introduction in June, 1983, of a form of affirmative action by Treasury Board,[87] the absence of significant change through voluntary means, and the existence for a generation of a similar system in the United States all contributed to this sense of inevitability.

The concern of the private sector was that a mandatory program would ignore economic and corporate realities. Many objected to over-regulation and referred specifically to the American intervention as having been cumbersome and administered in a heavy-handed manner. Their fears were that the costs of affirmative action would outweigh the benefits, and that the imposition of quotas, which most thought to be part of any affirmative action program, could result in the hiring or promotion of unqualified employees to satisfy fixed numerical goals.

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[84] Canadian Human Rights Commission. *The Canadian Human Rights Act: Employer Guide*. Ottawa, 1981, p.5.

[85] The Canadian Human Rights Commission has jurisdiction over approximately 11 per cent of the Canadian labour force. (Tarnopolsky, Walter Surma. *Discrimination and the Law in Canada*. Toronto: Richard De Boo, 1982, p. 82.)

[86] The April 14, 1980, Speech from the Throne made a firm pledge to meet the special employment needs of women, native people and the physically disabled and to play a "leadership role" by implementing affirmative action measures in the federal public service.

[87] *Supra*, footnote 20.

Representatives of the private sector urged an evolutionary approach, whereby the increase in participation would coincide with the increased supply of qualified candidates from among individuals in the designated groups. They also suggested the use of tax incentives to encourage compliance.

This Commission agrees with the conclusions of, respectively, the Task Force on Labour Market Development[88] and the Economic Council of Canada[89] that neither tax incentives nor inducements such as concessional loans or levy/grants systems are appropriate.

The Task Force on Labour Market Development observed:

> Tax incentives have a number of disadvantages:
>
> They are not universally applicable. Many small entrepreneurial ventures are not tax-paying. Depreciation, tax shields, start-up expenses often mean that in their early years new firms are not taxable.
>
> They are normally general, not specific incentives. Considerable "waste" can occur because the incentives may provide unnecessary inducements to firms that would proceed on their own.
>
> "Leakages" outside Canada reduce the effectiveness of these inducements. With 50% of the Canadian manufacturing and mining sectors owned by U.S.-controlled firms, the net value of decreased Canadian tax rates is greatly reduced. Tax benefits in Canada result in increased taxes in the United States when funds are repatriated, the net result being a transfer from the Canadian to the U.S. treasury.

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[88] *Supra*, footnote 4, Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s.*

[89] Canada. Economic Council of Canada. *In Short Supply: Jobs and Skills in the 1980s.* Ottawa, 1982.

> They are uncertain, that is, with values contingent on profitability, they do not compare favourably with grants when the expected values of the two instruments to the firm are the same.
>
> They are capital-biased and very difficult to structure in such a way as to relate directly to labour.[90]

It also concluded that concessional loans and loan guarantees are limited in their effectiveness for the following reasons:

> They are relevant to only a subset of potential applicants. For firms with ready access to capital markets, the value of concessional loans or guarantees is reduced markedly.
>
> They can influence firms to introduce high debt loads in their capital structures, making them less capable of withstanding cyclical swings and of remaining solvent. Unfortunately, labour will bear the costs of this induced higher risk.
>
> Guarantees in particular can detract from the likelihood of the firm engaging in follow-on investments that would generate additional employment. Because the value of the guarantee will go down as the firm increases its equity investments for expansions, there is a retarding effect on incremental investments.[91]

The Economic Council of Canada observed that in Britain there were found to be "undeniable problems" with the levy/grant system, even as a mechanism for encouraging training, particularly in small firms.[92]

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[90] *Supra*, footnote 87. Canada. Employment and Immigration Canada. *Labour Market Development in the 1980s*, p. 122.

[91] *Ibid.*

[92] *Supra*, footnote 89, p.94.

## CONTRACT COMPLIANCE

Contract compliance is a method of encouraging employment equity in the private sector by using government purchasing power as leverage.[93] It has proven to be an effective incentive for changing discriminatory employment practices in the United States.[94] It means in practice that government will agree to purchase goods and services only from businesses that agree to implement employment equity.[95]

Contract compliance may be a difficult program to monitor effectively. In a short-term contract, the violation of a commitment to improve the participation of designated groups may go undetected until long after the contract has been completed. On the other hand, the longer-term contracts may end up mired in holdbacks, injunctions, or other interruptions pending an assessment of whether there has been compliance.

Ideally, every business or corporation under federal, provincial, and territorial jurisdictions would be subject to employment equity legislation, just as these businesses are now subject to anti-discrimination laws. Provincial and territorial requirements should, insofar as is possible, be consistent with federal government requirements. Businesses contracting with the federal government would then, being already under a statutory duty to implement employment equity, not have to make contractual commitments to do so.

If there is no such legislation, then contract compliance, though perhaps awkward to enforce, is the next best alternative as a method of implementing employment equity in federally and provincially regulated businesses that contract with the federal government.[96]

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[93] The International Labour Organization's *Recommendation concerning Discrimination in Respect of Employment and Occupation (No. 111)* provides that ILO members should promote the principles of non-discrimination by "making eligibility for contracts involving the expenditure of public funds dependent on observance of the principles". (Article 3(b)(ii)).

[94] *Supra*, footnote 23, Hatch Committee Report, p. viii.

[95] *Supra*, footnote 23, Hatch Committee Report, p. 11.

[96] The impact of a federal contract compliance program including both federally and provincially regulated businesses would be significant, given the extent of federal government spending.

Under contract compliance, businesses would, by the terms of their contracts, be expected to comply with the same statutory requirements as those binding federally regulated employers, including the implementation of employment equity and the collection and filing of data.[97] Additional contractual provisions could be negotiated where appropriate to reflect particular local needs, such as specific goals and timetables and the provision of adequate training, transportation, or accommodation in northern or remote areas of Canada. Contract compliance in Canada should apply to subcontractors, as it does in the United States.

In 1980, the Canadian government had contracts with between 25,000 and 30,000 companies, worth $6.5 billion to the private sector and an additional $5.5 billion to crown corporations.[98] A single federal agency, the Department of Supply and Services, signed 333,928 contracts worth $5 billion to private companies in 1982-83.[99] In 1983-84, this department is expected to spend $10 billion on such contracts.[100]

The measure of success of the contract compliance program should be the number of employment opportunities created, not the number of corporations to which sanctions have been applied.[101]

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97. In the United States, under s.209(a)(1) of Executive Order 12086, the Secretary of Labor can publish the names of contractors or unions who have complied or failed to comply with the Executive Order.

98. Canadian Advisory Council on the Status of Women. *Critical Skill Shortages: New Opportunities for Women*. Brief to the Parliamentary Task Force on Employment Opportunities for the 80's. January, 1981, p. 24.

99. Estabrook, Barry. "Ottawa Gears Up Affirmative Action". *Financial Times of Canada*, May 28, 1984, p.5.

100. Department of Supply and Services, Ottawa, July 1984.

101. *Supra*, footnote 23, Hatch Committee Report, p. 69.

A recent U.S. congressional study of contract compliance concluded:

> Almost every witness felt that the concept behind OFCCP's formation, i.e., the need for a federal program to insure that federal contractors maintain non-discriminatory employment practices, was a worthwhile federal activity and should be retained. Concern lay more with the existing mechanism for insuring this obligation not with the obligation itself.[102]

As previously stated, in the United States there are two federal agencies that enforce anti-discrimination requirements. The Office of Federal Contract Compliance Programs (OFCCP) monitors affirmative action programs in companies that have contracts with the American federal government.[103] The Equal Employment Opportunity Commission (EEOC) administers anti-discrimination requirements under Title VII of the Civil Rights Act of 1964.[104] The two offices frequently have different requirements.

An American company may be subject simultaneously to the sometimes conflicting requirements of the OFCCP and the EEOC.[105] This kind of duplication may be unnecessarily expensive, inefficient, and frustrating, both to the companies and to the public.[106]

Ideally, the same Canadian agency enforcing employment equity in the federally regulated sector should enforce contract compliance in the private sector. The potential for duplication exists at present because section 19 of the Canadian Human Rights Act[107] permits the passage of regulations to effect contract compliance. If the Canadian Human Rights Commission is not designated to enforce employment equity in the federally regulated sector, section 19 should be repealed. If, however, no new enforcement agency is created, section 19 should be vitalized and the necessary regulations passed.

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[102] *Supra*, footnote 23, Hatch Committee Report, p.64.

[103] The OFCCP was consolidated into a single agency in 1978 by President Carter (Executive Order 12086). This followed years of dividing the administration and enforcement of contract compliance among various federal contracting authorities.

[104] Pub. L. No.88-352, 78 Stat.253 (codified at 42 U.S.C. para.2000e (1976)).

[105] *Supra*, footnote 23, Hatch Committee Report, p.14.

[106] *Ibid.*, p.21.

[107] *Canadian Human Rights Act*, S.C.1976-77, C.33 as amended.

In Canada, the federal government has the authority to require contract compliance pursuant to section 91(1A) of the Constitution, the "spending power" provision.[108] This section permits the government to "spend money ... and impose conditions on the disposition of such funds while they are still in its hands".[109] From this derives its jurisdiction to impose conditions on contractors who wish to do business with the federal government.[110]

The ability to impose "such restrictions and conditions as Parliament may see fit to enact"[111] does not, however, validate an exercise of federal authority where it lacks constitutional jurisdiction, regardless of whether the recipient consents to the scheme.[112] But there is no apparent constitutional barrier to framing legislation that would allow the federal spending power to be used to require contractors to comply with a condition that they adopt employment equity.

In certain circumstances, a contractor doing business with the federal government may be subject, at the same time, to contract compliance conditions imposed by the federal government and to valid provincial labour relations legislation. Where the federal requirement and the provincial legislation overlap, issues of paramountcy and the possibility of constitutional challenge may arise.[113]

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[108] *Constitution Act*, 1867.

[109] *Central Mortgage and Housing Corporation* v. *Co-Operative College Residences Inc. et al.* (1975), 13 O.R. (2d) 394, p.410.

[110] *Four B Manufacturing Ltd.*, v. *United Garment Workers of America and Ontario Labour Relations Board* [1980] 1 S.C.R. 1031, at p.1045. This authority exists even though labour relations are essentially matters under provincial jurisdiction.

[111] *In the Matter of a Reference as to Whether the Parliament of Canada Had Legislative Authority to Enact the Employment and Social Insurance Act, Being Chapter 38 of the Statutes of Canada, 1935*, [1936] S.C.R. 427, p.457.

[112] *R.* v. *Dominion Stores Ltd.* (1980), 30 N.R. 399; see also Hogg, Peter W. *Constitutional Law of Canada*. Toronto: Carswell, 1977, p.71.

Under the constitutional doctrine of paramountcy, if, in the view of the courts, valid provincial legislation or orders and valid federal legislation or orders cannot stand together, then the federal legislation must prevail and the provincial legislation is rendered inoperative. However, the Supreme Court of Canada has recently adopted a narrow doctrine of paramountcy, finding a provincial law inoperative only if there is express conflict with a federal law; conflict has been held to exist only if compliance with one law leads to violation of the other.[114]

However, given the similarity of human rights legislation across Canada, the likelihood of conflict is limited. It could arise, however, in the case of "equal pay" requirements, where the provincial statutes are less stringent than the Canadian Human Rights Act, but this is an unusual divergence and a court in such a case might avoid finding a conflict simply by requiring compliance with the stricter law.[115] The mere existence of federal and provincial legislation covering the same ground does not necessarily mean a conflict and, where possible, both would stand.[116] Still, until it has been judicially determined, it remains unclear whether a provincial act applicable to a contractor dealing with the federal government would be inoperative if it conflicted with federal legislation based on the spending power.[117]

As a practical matter, where there is conflict between federal and provincial requirements, a number of options should be considered. The Continuing Federal-Provincial-Territories Committee of Officials Responsible for Human Rights could be asked to consider solutions to these inconsistencies. Another possibility, since all human rights commissions have a discretion as to whether or not to proceed with a complaint of discrimination,[118] would be agreement between federal and provincial human rights commissions to prevent or delay proceedings at one level while proceedings dealing with the same issues were under way at another. Section 33(b)(i) of the Canadian Human Rights Act, for example, permits the federal commission to refrain from dealing with a complaint where it appears "the complaint is one that could more appropriately be dealt with, initially or completely, according to a procedure provided for under an Act of Parliament other than this Act".[119]

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[113] *Montcalm Construction Inc.* v. *Minimum Wage Commission*, [1979] 1 S.C.R. 754. This case involved no direct conflict. In *Four B Manufacturing Ltd. (Supra*, footnote 110), the court held that "with respect to labour relations, exclusive provincial legislative competence is the rule, exclusive federal competence is the exception" (p. 1045).

[114] Colvin, Eric. "Legal Theory and the Paramountcy Rule", (1979-80) 25 *McGill Law Journal*, pp 82-98. See also *Multiple Access Ltd.* v. *McCutcheon* (1982), 138 DLR (3d) 1, [1982] 1 S.C.R. 21; *R.* v. *Baert Construction Ltd.*, [1975] 3 W.W.R. 347.

[115] *Ross* v. *Registrar of Motor Vehicles* [1975], 1 S.C.R. 5, (1974), 42 D.L.R. (3d) 68.

[116] Tarnopolsky, Walter Surma "Legislative Jurisdiction with Respect to Anti-Discrimination (Human Rights) Legislation in Canada", 12 *Ottawa Law Review* (No. 1, 1980), p.43.

[117] La Forest, Gerard V. *The Allocation of Taxing Power Under the Canadian Constitution* (2nd ed.). Toronto: Canadian Tax Foundation, 1981, p. 48.

Not only does the federal government have jurisdiction to require contract compliance, it also has the power to pass any necessary legislation and to provide for remedies and enforcement procedures.[120] A legislative, rather than an administrative, base seems preferable, given the uncertain life span of cabinet directives.[121] The compliance requirement would apply to all the operations of corporations or businesses that contract with the federal government.

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[118] Under section 39(1) of the *Canadian Human Rights Act* (S.C. 1976-77, C.33, as amended), the Commission has the sole discretion to appoint a tribunal at any stage after the filing of a complaint.

The various provincial statutes provide that a board of inquiry may be appointed if no settlement can be achieved, but in all cases final discretion rests with the Minister. In Ontario, for example, there is a requirement to make a recommendation to the appropriate Minister, while in Manitoba there is a discretion whether or not to make a recommendation. In Saskatchewan, the Commission may require an inquiry, but if it does not do so, the Minister may. In the Yukon and the Northwest Territories, the officer appointed to investigate and seek a settlement must recommend a course of conduct once the complaint has been substantiated.

[119] *Canadian Human Rights Act*, S.C. 1976-77, C.33, as amended, s.33(b)(i).

The discretion not to proceed in the federal Act applies where the complaint could be better dealt with under another federal act. The discretion not to proceed under provincial codes applies where the complaint could be better dealt with under another provincial act. Thus, a federal-provincial arrangement would only be effective if made part of respective federal and provincial human rights codes.

[120] *Quebec North Shore Paper* v. *C.P. Ltd.*, [1977] 2 S.C.R. 1054, at p.1063; *The Queen* v. *Prytula*, [1979] 2 F.C. 516, at p.523; *Rhine* v. *Her Majesty The Queen*, [1980] 2 S.C.R. 442, per Laskin, C.J.

[121] Section 24(b) of the *Financial Administration Act*, R.S.C. 1970, C.F-10, as amended, reads as follows:

> The Governor in Council may make regulations with respect to the conditions under which contracts may be entered into and, notwithstanding any other Act,
>
> (b) may make regulations with respect to the security to be given to secure the due performance of contracts.

This provision may be viewed as authority to make regulations requiring a contractor to give security to ensure that discriminatory practices prohibited under ss.5 to 13 of the *Canadian Human Rights Act* (S.C. 1976-77, C.33, as amended), will not arise.

The employers subject to contract compliance legislation could include those who seek leases with the federal government for resource extraction,[122] those who benefit from federal government loans, subsidies, or guarantees, and those who seek supply or service contracts with the federal government.[123] Consideration might be given to whether there should be a minimum size of business that would be subject to contract compliance requirements.

## EQUAL PAY

> Almost everywhere there remains a clear division of labour by sex with jobs labeled as "men's work" and "women's work". ... It creates a situation in which work traditionally done by men commands higher pay and prestige while that traditionally done by women is accorded lower pay and prestige. ... It has no inherent logic.[124]

Equal pay is an integral element in the implementation of employment equity. It must be included in any undertaking by employers to make the practices in the workplace more equitable.

The existence of a gap between the earnings of men and women is one of the few facts not in dispute in the "equality" debate. There are certainly open questions about it, the two main ones being the width of the gap and the right way to go about closing it. But no one seriously challenges the reality that women are paid less than men, sometimes for the same work, sometimes for comparable work.

The lawyer representing the American Federation of State, County, and Municipal Employees, the union that successfully sued the State of Washington for unfairly paying women less than men,[125] was quoted as saying, "Ending discrimination costs money. But no one would dare raise that as a reason for continuing to pay blacks less than whites".[126] Yet costs are constantly raised as an excuse for paying women less. In the United States, women earn on average 61 per cent of what men earn.[127]

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[122] Such as under the *Canada Oil and Gas Lands Act*, S.C. 1980-81, C.81, and Surface Lease Agreements in Saskatchewan with companies like Amok/Cluff Mining, *supra*, footnote 16.

[123] Where there are existing collective agreements, s.160(2) of the *Canada Labour Code* (R.S.C. 1970, C.L-1 as amended) permits modification of any provision (except the agreement's term) before its expiry, in the event that this is necessary to effect compliance.

[124] International Labour Office. *Equality of Opportunity and Treatment for Women Workers*. Report VIII (International Labour Conference, 60th Session, 1975). Geneva: 1974, p.20.

[125] *American Federation of State, County, and Municipal Employees et al.* v. *State of Washington et al.* 33 FEP Cases 808.

The current discussion surrounding equal pay issues sometimes seems to suggest that the problem is not critical. But referring to a wage gap as "only" 10 per cent creates a tendency to minimize the problem and to treat it as having decreased to a tolerable level.

It has not. In 1911, the average wage of employed women in Canada was 53 per cent that of men.[128] In 1982, it ranged from 55 to 64 per cent.[129] This means an improvement of 2 to 11 percentage points over the course of 70 years. What is particularly noteworthy is, first, the length of time the gap has been tolerated and, second, that it is tolerated at all.

The average annual earnings for male workers full-time, full-year in 1982 were $25,096. For women they were $16,056, or 63.9 per cent of male incomes. The average annual earnings for males working full-time and part-time were $19,164. For women they were $10,472, or 54.6 per cent of male incomes.[130] Table 2 shows that women earned significantly less than men in every occupational category. Even in the clerical category, a full-time female employee earned on average only 66.9 per cent of the wages earned by a full-time male employee.

When it is considered too that wages affect the amount of Unemployment Insurance benefits and usually, retirement benefits, the problem is intensified.

In 1982, in families where the husband was the primary earner, the average combined earnings of husband and wife were $35,265. When the wife was the primary earner, the combined earnings were

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[126] Newman, Winn, quoted in Tamar Lewin, "A New Push to Raise Women's Pay." *New York Times*, January 1, 1984, sec. 3, p. 15.

[127] U.S. Bureau of Labor Statistics. cited by David Lauter. "Pay Bias Enters a New Age", 6 *National Law Journal* (No. 17, January 2, 1984), p. 25.

[128] Phillips, Paul, and Phillips, Erin. *Women and Work: Inequality in the Labour Market*. Toronto: James Lorimer, 1983, p.52.

[129] Canada. Statistics Canada. *Income Distributions by Size in Canada, 1982*. Catalogue No. 13-207 Annual, Ottawa, 1984. 55 per cent represents a comparison of male and female full-time and part-time workers; 64 per cent represents a comparison of only full-time, full-year male and female workers.

[130] *Ibid.*

## Table 2

### Female Average Earnings by Occupation as a Percentage of Male Average Earnings — 1982

| Occupation | Full-Time & Part-Time Workers | Full-Time/ Full-Year Workers Only |
|---|---|---|
| Managerial | 55.6% | 58.2% |
| Professional | 61.8 | 68.0 |
| Clerical | 62.9 | 66.9 |
| Sales | 46.1 | 57.1 |
| Service | 46.7 | 55.5 |
| Agriculture, etc. | 47.8 | 56.4 |
| Processing and machining | 54.5 | 57.6 |
| Product fabricating, etc. | 50.2 | 54.0 |
| Transportation | 54.1 | 60.8 |

Source: Statistics Canada. Unpublished data from the *Survey of Consumer Finances, 1983.*

$28,716. When only the husband worked, the average earnings were $24,287 but when only the wife worked, they were $9,956. In 11.4 per cent of families, wives earned more than or an amount equivalent to, their husbands. There were 557,000 such families.[131]

The cost of the wage gap to women is staggering. And the sacrifice is not in aid of any demonstrably justifiable social goal. To argue, as some have, that we cannot afford the cost of equal pay to women is to imply that women somehow have a duty to be paid less until other financial priorities are accommodated. This reasoning is specious and it is based on an unacceptable premise: the acceptance of arbitrary distinctions based on gender as a legitimate basis for imposing negative consequences, particularly when the economy is faltering.

If the argument had logic, let alone fairness, on its side, it would suggest that some redress has been available for women during times of economic strength. But the appeal to women as the economy's ordained shock absorbers was and is a spurious one. We would have witnessed fluctuating differences between male and female incomes over the years, depending on the clemency of the economic climate. There has been no such fluctuation.[132] The gap persists through good times and bad times. It persists in the face of society's commitment to justice. It persists in defiance of the law.

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[131] Canada. Statistics Canada. Unpublished data from the *Survey of Consumer Finances, 1983.*

## Equal Pay Laws

It is unlawful in Canada to pay women less than men for the same work in the same establishment. Equal pay laws were first enacted in 1951.[133] In some provinces and territories, this law is enforced by human rights agencies. These are Newfoundland,[134] New Brunswick,[135] Prince Edward Island,[136] Quebec,[137] British Columbia,[138] Alberta,[139] and the Northwest Territories.[140]

In Ontario,[141] Manitoba,[142] Nova Scotia,[143] Saskatchewan[144] and the Yukon,[145] the law is enforced by departments of labour. Federally, it is administered by the Canadian Human Rights Commission.[146] Collectively and colloquially these laws are called

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[132] Canada. Statistics Canada. Consumer Income and Expenditure Division. *Earnings of Men and Women: Selected Years, 1967 to 1979*. Catalogue No. 13-577 Occasional. Ottawa, 1981, p. 11; *supra*, footnote 128, p.52.

[133] Ontario *Female Employees Fair Remuneration Act*, S.O. 1951, C.26. Ontario was followed by Saskatchewan (1952), British Columbia (1953), Canada (1956), Manitoba (1956), Alberta (1957), Nova Scotia (1957), Prince Edward Island (1959), New Brunswick (1961), the Yukon (1963), Quebec (1964), the Northwest Territories (1966), and Newfoundland (1971).

[134] *Newfoundland Human Rights Act*, R.S.N. 1970, C.262, as amended S.N. 1974, No.114, s.10.

[135] *New Brunswick Human Rights Act*, R.S.N.B. 1973, C.H-11. (Equal pay provisions have been deemed to be included in the general prohibition against discrimination on the basis of sex.)

[136] *Prince Edward Island Human Rights Act*, S.P.E.I. 1975, C.72, s.7.(1).

[137] *Charter of Human Rights and Freedoms*, R.S.Q. 1977, C.C-12, s.19.

[138] *British Columbia Human Rights Act*, S.B.C. 1984, C.22, s.7.

[139] *Individual Rights Protection Act*, R.S.A. 1980, C.I-2, s.6.

[140] *Fair Practices Ordinance*, R.O.N.W.T. 1974, C.F-2, s.6.

[141] *Employment Standards Act*, R.S.O. 1980, C.137, s.33.

[142] *Employment Standards Act*, R.S.M. 1970, C.E110, as amended S.M. 1975, C.20, Part IV, ss.39-43.

[143] *Labour Standards Code*, S.N.S. 1972, C.10, as amended S.N.S. 1976, C.41; S.N.S. 1977, C.68, 55-56-57.

[144] *Labour Standards Act*, R.S.S. 1978, C.L-1, Part III.

[145] *Labour Standards Ordinances*, R.O.Y.T. 1971, C.L-1, as amended O.Y.T. 1973 (1st), C.13, s.12.1.

[146] *Canadian Human Rights Act*, S.C. 1976-77, C.33, as amended 1977-78, C.22; 1980-81, C.54; 1980-81-82, C.111; 1980-81-82, C.143, s.11(1).

"equal pay" laws. Most legislation permits exceptions based on seniority or merit systems.

The current debate on equal pay laws centres on whether the concept of equal pay can only be applied to substantially similar jobs or whether it can be applied to dissimilar jobs of comparable value. The provincial legislation in all jurisdictions states that women must be paid equally for equal or "substantially similar" work. The early tendency was to enforce the concept of "equal pay for equal work" only where pay differentials could be proven between identical jobs. More recently, the courts have interpreted the legislation as allowing comparison of similar job function as well as actual job description.[147] One court held, for example, that female nurses' aides should be paid the same as male orderlies for similar work, even though there might have been discrepancies in some particulars of the jobs.[148]

There is thus no requirement in law that the jobs be strictly equal to justify equal pay for equal or similar work. So long as jobs are similar in content, and performed under similar working conditions, they can reasonably be compared under provincial laws to determine if the wages for one are arbitrarily lower or higher than for another.

Despite the existence of these equal pay laws, many women still earn 10 to 20 per cent less than men even where they are employed in the same occupation and within the same firm.[149] Canadian studies using one of the two accepted approaches for assessing equal pay[150] show that women typically earn 50 to 80 per cent of what men earn.[151] A differential of 10 to 20 per cent can be directly attributed to discrimination. The rest is accounted for by differences such as experience, education, training, and absences from the labour force.[152]

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[147] *Attorney General of Alberta* v. *Gares* (1976), 67 D.L.R. (3rd) 635 (Alta. S.C., Trial Div.); *Re Board of Governors of Riverdale Hospital and the Queen in Right of Ontario*, [1973], 2 O.R. 441 (C.A.); *Re Leisure World Nursing Homes Ltd. and Director of Employment Standards et al.* (1980), 29 O.R. (2d) 144 (Div.Ct.).

[148] *Attorney General of Alberta* v. *Gares*, *supra*, footnote 147; *Re Board of Governors of Riverdale Hospital and the Queen in Right of Ontario*, *supra*, footnote 147.

[149] Gunderson, Morley. "Work Patterns", in *Opportunity for Choice: A Goal for Women in Canada*, ed. Gail C.A. Cook, Ottawa: Statistics Canada/ C.D. Howe Research Institute, 1976, p.120; Canada. Labour Canada, Women's Bureau. *Women in the Labour Force, 1978-1979, Part II — Earnings of Women and Men. Ottawa, 1981.*

[150] There are two basic methods that have been used to measure levels of earnings discrimination. The "sampling" approach compares the earnings of men and women holding identical jobs within the same establishment and having equal qualifications, performance, and work hours. In the "adjustment" approach, the female-to-male gross earnings ratio is computed, and net differences are then obtained by adjusting for differences in work-productivity factors. The unexplained differences that result are said to reflect discrimination.

But even these differences, which result in adjustments to wages, are themselves apt to be the result of past and present discrimination. Factors such as experience and education may well reflect barriers generated by stereotyping — the public and private expectations society has formed about women.

Similar findings in the United States are instructive. A 1981 report by the National Research Council of the United States[153] concluded that less than half the wage disparity between full-time male and full-time female workers could be explained by non-discriminatory factors. The rest of the gap, namely, 20 cents on the dollar, could not be accounted for through any non-discriminatory rationale.[154]

A recent study by the U.S. Census Bureau showed that the amount of the disparity in wages between white men and women who entered the labour force in 1980 was almost twice that which could be attributed to discrimination in 1970.[155]

A study of those who received Master of Business Administration degrees from the Columbia Graduate School of Business from 1969 to 1972 showed that women start out with salaries substantially equal to their male counterparts but in 10 years women with equal training, the same credentials, and similar work experience to the men were earning an average of only 81 per cent of their male counterparts' salaries.[156]

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151. A number of these studies are reviewed in Gunderson, Morley. *The Male-Female Earnings Gap in Ontario: A Summary*. Employment Information Series Number 22. Toronto: Ontario Ministry of Labour, Research Branch, 1982; Gunderson, Morley, *supra*, footnote 149, p. 120.

152. Ostry, Sylvia. *The Female Worker in Canada*. Ottawa: Dominion Bureau of Statistics, 1968, p. 42.

153. Treiman, Donald J., and Hartmann, Heidi I., eds. *Women, Work and Wages: Equal Pay for Jobs of Equal Value*, A report by the Committee on Occupational classification and analysis, Academy of Behavioral and Social Sciences, National Research Council Washington D.C.: National Academy Press, 1981, pp. 13-43.

154. *Ibid*.

155. Study by Gordon W. Green Jr., senior Census Bureau official. Cited by Robert Rear. "Women's Pay Lags Further Behind Men's". *New York Times*, January 16, 1984, p. 1. See also Treiman and Hartmann, eds., *supra*, footnote 153, pp. 17-24.

156. Devanna, Mary Anne, Graduate School of Business, Columbia University. Draft Thesis, p.27. Also cited in Fraker, Susan. "Why Women Aren't Getting to the Top". *Fortune*, April 16, 1984, p.40-45.

In a sense, it matters little whether the earnings gap between genders is caused by blatant, subtle, or benign design. So long as it persists, it signals the need for investigation, continued monitoring, and redress.

The conclusion is inescapable: equal pay legislation has had little impact on the earnings gap.[157] This result occurs partly because most equal pay legislation is applicable only where both men and women are employed at the same or similar jobs in the same firm. It ignores the substantial number of women in segregated jobs or in businesses where there are few men or none with whom to compare salaries. A more important factor is that, as a concept, "equal pay for equal or similar work" fails to deal with the fundamental problem: the undervaluation of work done by women.

A further factor is that the legislation is not being rigorously enforced, although there appears to be better enforcement in the public than in the private sector.[158] The general lack of enforcement was observed by the Royal Commission on the Status of Women as early as 1970[159] which noted that only a handful of complaints are filed, they are processed slowly, and they are inconsistently dealt with across Canada.

The unavailability of class actions under relevant human rights or employment legislation[160] and the need to prove intentional rather than systemic or indirect discrimination, except under the Canadian Human Rights Act,[161] also militate against the effective resolution of equal pay cases.

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[157] Bergmann, Thomas J., and Hills, Frederick S. "Internal Labor Markets and Indirect Pay Discrimination", 14 *Compensation Review* (No.4, 1982), p. 41; Blumrosen, Ruth G. "Wage Discrimination, Job Segregation, and Title VII of the Civil Rights Act of 1964", 12 *University of Michigan Journal of Law Reform* (No. 3, Spring 1979), p. 399; Cook, Gail C.A. and Eberts, Mary. "Policies Affecting Work", in Gail C.A. Cook ed., *supra*, footnote 149, pp. 174-175; Greenberger, Marcia. "The Effectiveness of Federal Laws Prohibiting Sex Discrimination in Employment in the United States", in *Equal Employment Policy for Women*, ed. Ronnie Steinberg Ratner, Philadelphia: Temple University Press, 1980, p. 118; Niemann, Lindsay. *Wage Discrimination and Women Workers: The Move Towards Equal Pay for Work of Equal Value in Canada*. Women's Bureau Series A: Equality in the Workplace, No. 5. Ottawa: Labour Canada, Women's Bureau, 1984, pp. 42-54.

[158] Boyd, Monica and Humphreys, Elizabeth. *Labour Markets and Sex Differences in Canadian Incomes*. Ottawa: Economic Council of Canada, 1979; Gunderson, Morley. "Earnings Differentials Between the Public and Private Sectors", 12 *Canadian Journal of Economics* (May, 1979), pp.228-242; Gunderson, Morley. *Labour Market Economics: Theory, Evidence and Policy in Canada*. Toronto: McGraw-Hill Ryerson, 1980, p.A2.19; Shapiro, Daniel, and Stelcner, Morton. *Male-Female Earnings Differentials Within the Public and Private Sectors, Canada and Quebec, 1980*. Montreal: Concordia University, 1980.

[159] Canada. Royal Commission on the Status of Women in Canada. *Report*. Ottawa, 1970, pp. 72-75.

[160] While the Quebec *Charter of Human Rights and Freedoms*, R.S.Q. 1977, C. C-12, as amended, does not provide for class actions, the *Code of Civil Procedure*, R.S.Q. 1977, C. C-25, which applies to the Quebec *Charter*, does permit them.

## International Commitments

Convention 100, the Equal Remuneration Convention, was adopted by the International Labour Organization in 1951. It supports the concept of equal pay for work of equal value. Canada ratified this Convention in 1972,[162] thus creating a binding international commitment to apply the principle of equal remuneration for men and women for work of equal value.[163]

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161. *Canadian Human Rights Act*, S.C. 1976-77, C.33, as amended.

Ontario now provides for constructive discrimination in section 15 of the *Ontario Human Rights Code*, S.O. 1981, C.53, but issues of equal pay are not dealt with by the Ontario Human Rights Commission. They are, rather, dealt with under section 33 of the *Employment Standards Act*, R.S.O. 1980, C.137.

The question of whether or not the Quebec *Charter of Human Rights and Freedoms*, R.S.Q. 1977, C. C-12, as amended, prohibits indirect discrimination has not been finally decided. See *Commission des droits de la personne du Quebec* c. *L'Homme* (1982), 3 C.H.R.R. D/849 (Que. C.A.); *Commission des droits de la personne du Quebec* c. *Ekco Canada Inc.* (1983), 4 C.H.R.R. D/1787 (Que. Sup. Ct.).

162. As of January 1, 1984, 105 countries had ratified the Convention. (International Labour Organization. "Chart of Ratifications of International Labour Conventions". Geneva, 1984.)

163. The four substantive provisions of Convention 100 are:

Article 1

For the purpose of this Convention:

(a) the term "remuneration" includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker's employment;

(b) the term "equal remuneration for men and women workers for work of equal value" refers to rates of remuneration established without discrimination based on sex.

Article 2

1. Each member shall, by means appropriate to the methods in operation for determining rates of remuneration, promote and, in so far as is consistent with such methods, ensure the application to all workers of the principle of equal remuneration for men and women for work of equal value.
2. The principle may be applied by means of
   (a) National laws or regulations;
   (b) Legally established or recognized machinery for wage discrimination;
   (c) Collective agreements between employers and workers; or
   (d) A combination of these various means.

Article 3

1. Where such action will assist in giving effect to the provisions of this Convention, measures shall be taken to promote objective appraisal of jobs on the basis of the work to be performed.
2. The methods to be followed in this appraisal may be decided upon by the authorities responsible for the determination of rates of remuneration, or, where such rates are determined by collective agreements, by the parties thereto.

In 1976,[164] Canada also acceded to the United Nations International Covenant on Economic, Social and Cultural Rights, which contains a commitment to equal remuneration for work of equal value.[165]

Finally, in 1981, Canada ratified the United Nations Convention on the Elimination of all Forms of Discrimination against Women.

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> 3. Differential rates between workers, which correspond, without regard to sex, to differences, as determined by such objective appraisal, in the work to be performed, shall not be considered as being contrary to the principle of equal remuneration for men and women workers for work of equal value.
>
> Article 4
>
> Each member shall co-operate as appropriate with the employers' and workers' organizations concerned for the purpose of giving effect to the provisions of this Convention.

For a thorough summary of the history of this Convention and its ratification by Canada, see Niemann, Lindsay, *supra*, footnote 157.

[164] Similarly, the European Economic Community issued a directive on equal pay to its member countries in 1975. The directive, which came into force in 1976, "requires equal pay for the same work or for work to which equal value is attributed". (Organization for Economic Co-operation and Development. *Equal Opportunities for Women*. Paris, 1979, p.80.)

In France, the Netherlands, Italy, Sweden, Greece, Portugal, Switzerland, West Germany, Ireland, and Denmark, laws were enacted during the 1970s to require equal pay for work of equal value.

France, the Netherlands and Italy: see Chester, R. Simon G. "Equality in Employment — Observations from International and Comparative Law". Paper prepared for the Commission of Inquiry on Equality in Employment. November, 1983, pp.199, 211, and 218.

Sweden: *Equality of Treatment Between Men and Women in Employment*. Geneva, International Labour Office: 1980, p.40.

Greece: Spiliotopoulos, Sophia (International Labour Office). "The Way the Law Works in Greece", *Women at Work* (1981, No. 1), p.19.

Portugal: "Equality of Opportunity and Treatment in Portugal", *Women at Work* (1980, No. 1), pp 22-23.

Switzerland: "Switzerland: Constitution Makes Equality of Treatment More Explicit", *Social and Labour Bulletin* (1981, No. 3), pp. 354-356.

West Germany: see International Labour Office. "Law on Equal Opportunities at Work and for Maintenance of Acquired Rights in Case of Merger or Takeover", *Social and Labour Bulletin* (1980, No. 4), pp.466-467.

Ireland and Denmark: see Forman, John. "The Equal Pay Principle Under Community Law: A Commentary on Article 119 EEC", *Legal Issues of European Integration* (No. 1, 1982), p.23.

[165] Article 7 of this Covenant requires:

> Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work.

Article 11(1) of this Convention requires that member governments provide men and women with equal remuneration in respect of work of equal value.[166]

Despite the ratification of these international instruments, and though they are binding on the provinces, the provinces have done little to enact the legislation necessary to ensure compliance.[167]

The federally enacted Canadian Human Rights Act specifically requires that there be equal pay for work of equal value.[168] Since the Canadian Human Rights Commission has jurisdiction over only 11 per cent[169] of the Canadian workforce, provincial compliance with these international obligations is critical to most working women. Until provincial laws are changed to articulate and effectively enforce the "equal pay for work of equal value" concept, little change in the income gap is likely to occur.

## Equal Value

The Canadian Human Rights Act[170] applies to all federal departments, agencies, crown corporations, and corporations under federal jurisdiction. Section 11 of the Canadian Human Rights Act states:

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[166] Article 11(1) of this Convention requires State Parties to:

> ... take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
>
> (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

[167] Section 19 of the Quebec *Charter of Human Rights and Freedoms*, R.S.Q. 1977, C.C-12, states:

> Every employer must, without discrimination, grant equal salary or wages to the members of his personnel who perform equivalent work at the same place.
>
> A difference in salary or wages based on experience, seniority, years of service, merit, productivity or overtime is not considered discriminatory if such criteria are common to all members of the personnel.

See *M. Robert Senay v. La Corporation Les Aliments Ault Limitée*, an as yet unreported judgement of the Cour des Sessions de la Paix District de Montreal, February 17, 1984, where section 19 of the Quebec *Charter* was interpreted to mean equal pay for substantially the same work but involving separate job categories.

[168] S.C. 1976-77, C.33, as amended, S. 11.

[169] *Supra*, footnote 128, p.171; see also Mossman, Mary Jane, and Jai, Julie Ramona. "Women and Work and the Canadian Human Rights Act", in *(Un)Equal Pay: Canadian and International Perspectives*, ed. Ceta Ramkhalawansingh, Toronto: Resources for Feminist Research, Ontario Institute for Studies in Education, 1979, p.9.

[170] S.C. 1976-77, C.33, as amended.

> 1) It is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value.
>
> 2) In assessing the value of work performed by employees employed in the same establishment the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed.
>
> 2.1) Separate establishments established or maintained by an employer solely or principally for the purpose of establishing or maintaining differences in wages between male and female employees shall be deemed for the purposes of this section to be a single establishment.
>
> 3) Notwithstanding subsection (1), it is not a discriminatory practice to pay to male and female employees different wages if the difference is based on a factor prescribed by guidelines issued by the Canadian Human Rights Commission pursuant to subsection 22(2) to be a reasonable factor that justifies the differences.
>
> 4) For greater certainty, sex does not constitute a reasonable factor justifying a difference in wages.
>
> 5) An employer shall not reduce wages in order to eliminate a discriminatory practice described in this section.
>
> 6) For the purposes of this section, "wages" means any form of remuneration payable for work performed by an individual and includes salaries, commissions, vacation pay, dismissal wages, bonuses, reasonable value for board, rent, housing, lodging, payments in kind, employer contributions to pension funds or plans, long-term disability plans and all forms of health insurance plans and any other advantage received directly or indirectly from the individual's employer.

The nine circumstances justifying a pay differential are: different performance ratings; seniority; red circling (wage curtailment following downgrading); a rehabilitation assignment; a demotion pay procedure; a procedure of phased-in wage reductions; a temporary training position; a labour shortage requiring premium wages; and a change in the work performed.[171] The requirement that the employees be in the same establishment is a potential barrier to the comprehensive enforcement of the federal equal pay law.

A provision of the Canada Labour Code permits an inspector under the Code, where he or she has reasonable grounds to believe that section 11 of the Canadian Human Rights Act has been breached, to refer the matter to the Canadian Human Rights Commission for enforcement. This provision came into force in 1978 and has not yet been used.[172]

Under Section 11 of the Canadian Human Rights Act, equal pay cases are to be examined using the standard that men and women must be paid equally for work "of equal value". In the United States, the analogous term is "comparable worth". The United States Supreme Court has held that the concept of comparable worth encompasses claims by women for "increased compensation on the basis of a comparison of the intrinsic worth or difficulty of their job with that of other jobs in the same organization or community".[173]

In the *County of Washington* v. *Gunther*,[174] the Supreme Court also ruled that claims of sex-based wage discrimination can be brought under either of two statutes: Title VII of the Civil Rights Act[175] or the Equal Pay Act.[176] The American Equal Pay Act of 1963 describes equal work as that requiring equal skill, effort, and responsibility being performed under similar working conditions.[177] Title VII of the Civil Rights Act[178] prohibits discrimination on the basis of sex and other factors. Similarly, it may be that an "equal pay" claim in Canada also can be brought in alternative forums — either pursuant to "equal pay" legislation or, after April, 1985, pursuant to section 15 of the Charter of Rights and Freedoms.[179]

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[171] Canadian Human Rights Commission. *The Canadian Human Rights Act: Employer Guide*. Ottawa, 1981, pp.29-30.

[172] *Canada Labour Code*, R.S.C. 1970, C.L-1, as amended, s. 38.1. The newly-established Equal Pay Unit of Labour Canada is to have a consultative and educational role.

[173] *County of Washington* v. *Gunther*, 25 FEP Cases 1521 (1981).

[174] *Ibid.*

[175] *Civil Rights Act of 1964*. Pub.L. No.88-352, 78 Stat. 253 (codified at 42 U.S.C. para. 2000e (1976)).

[176] *Equal Pay Act, 1963*. Pub.L. No.88-38, 77 Stat. 56 (codified at 29 U.S.C. para. 206(d)(1)(1976)).

[177] "Equal Work" pursuant to the *Equal Pay Act, 1963* has been held to mean that the jobs should be "substantially equal" rather than identical, even if the nature of the jobs make it impractical for both sexes to work interchangeably. *Shultz* v. *Wheaton Glass Co.*, 421 F.2d 250 (3rd Cir., 1970); *Hodgson* v. *Robert Hall Clothes, Inc.*, 473 F.2d 589 (3rd Cir., 1973); *Hodgson* v. *Brookhaven General Hospital*, 436 F.2d 719 (1973); *Brennan* v. *City Stores, Inc.*, 479 F.2d 235 (5th Cir., 1973).

[178] Pub.L. No.88-352, 78 Stat. 253 (codified at 42 U.S.C. para. 2000e (1976)).

The "equal value" approach goes beyond the obvious prohibition against paying lower wages to women for the same work as men do, by directing attention to the lower wages women are generally paid in the workforce. As Table 2 shows, the problem is inequitable pay practices throughout the workforce rather than isolated cases of wage discrimination.

Under the "equal value" concept, the value of the job, rather than the job function or description, becomes determinative, an approach that at least one author says is consistent with basic economic theory which dictates that competitive market forces would ensure that people be paid a wage that reflects the value of their contribution to the output.[180]

The "equal value" approach calls for using job evaluations[181] to examine pay structures in the labour force. It means looking at those jobs in which women predominate and comparing their wage rates with those paid for jobs at a comparable level in which men predominate. If a wage difference is found, it then becomes a question of trying to determine whether it is a legitimate or fair one. Wages should be defined, as they are in the Canadian Human Rights Act[182] and in the International Labour Organization Convention 100,[183] to mean total remuneration received, including all forms of benefits and employer contributions, direct or indirect.[184]

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[179] *The Constitution Act*, 1982, C.11 (U.K.). Section 15 does not come into force until after April 17, 1985.

In *Board of Governors of the Seneca College of Applied Arts and Technology* v. *Pushpa Bhadauria*, [1981] 2 S.C.R. 181, (1981), 124 D.L.R. (3d) 193, the Supreme Court of Canada held that no civil cause of action was available in Ontario for the violation of the right not to be discriminated against in employment. This case was decided prior to the Charter and thus does not necessarily mean that there is not now a civil cause of action. In *Re Ontario Film and Video Appreciation Society and Ontario Board of Censors* (1983), 41 O.R. (2d) 583 (Ont.H.C.); aff'd (1984), 45 O.R. (2d) 80 (Ont.C.A.), it was held that the common law was subject to the Charter.

[180] Gunderson, Morley. "Labour Market Aspects of Inequality in Employment and Their Application to Crown Corporations". Paper prepared for the Commission of Inquiry on Equality in Employment. October, 1983.

[181] International Labour Organization Convention 100 (Equal Remuneration Convention) calls for the use of job evaluations in determining equal pay for male and female workers doing work of equal value.

[182] S.C. 1976-77, C.33, as amended, s.11(6).

## Occupational Segregation

For women, it is vital that equal pay be seen through the "equal value" lens. There are some jobs that have traditionally been held mainly by women and will probably continue so to be held. As Table 3 shows, despite a decade of equal opportunity programs, 62

### Table 3
### Occupational Distribution of Women, 1982

| Occupation | % of All Female Workers |
|---|---|
| Managerial, administrative | 5.6% |
| Natural sciences | 1.3 |
| Social sciences | 1.8 |
| Religion | 0.1 |
| Teaching | 5.8 |
| Medicine, health | 8.5 |
| Artistic, recreational | 1.4 |
| Clerical | 33.2 |
| Sales | 10.0 |
| Service | 18.8 |
| Agriculture | 2.6 |
| Processing | 1.8 |
| Machining | 0.3 |
| Product fabrication | 4.8 |
| Construction trades | 0.2 |
| Transport equipment operation | 0.5 |
| Materials handling | 1.3 |
| Other crafts and equipment operating | 0.5 |
| Unclassified | 1.1 |
| Total Female Labour Force | 99.6%* |

*Does not equal 100 per cent because figures are not available for every occupational category.

Source: Statistics Canada. *The Labour Force, Annual Averages.* Catalogue No. 71-529. Ottawa, 1983.

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[183] Article 1(a).

[184] This broader definition has been recommended for inclusion in provincial legislation by the Nova Scotia Federation of Labour. ("Improvements to Working Conditions of Women Through Changes to N.S. Labour Standards Code". Brief Submitted to the Nova Scotia Advisory Council on the Status of Women, September, 1983, p.4.)

per cent of women are still to be found in only three occupational categories — clerical, sales, and service. These are the same general categories into which they were segregated in 1901.[185] Table 4 shows the extent to which women are concentrated in the lower salary ranges.

**Table 4**

**Percentage Distribution of Earners**
**By Earnings Groups and Gender — 1982**

| Full-Time Workers | % Males | % Females |
|---|---|---|
| Under - $1,000 | 1.0 | 1.2 |
| $1,000 - 1,999 | 0.7 | 1.2 |
| 2,000 - 3,999 | 1.4 | 2.1 |
| 4,000 - 5,999 | 2.2 | 3.5 |
| 6,000 - 7,999 | 2.1 | 5.7 |
| 8,000 - 9,999 | 3.1 | 8.6 |
| 10,000 - 11,999 | 3.6 | 9.2 |
| 12,000 - 14,999 | 7.0 | 18.2 |
| 15,000 - 19,999 | 16.2 | 24.1 |
| 20,000 - 24,999 | 17.7 | 12.5 |
| 25,000 - 29,999 | 15.4 | 7.8 |
| 30,000 and over | 29.7 | 6.0 |
| Total* | 100% | 100% |
| Average earnings | $25,096 | $16,056 |
| Median earnings | $23,608 | $15,075 |

*Does not equal 100 per cent because of rounding.
Source: Statistics Canada. *Income Distributions By Size in Canada*. Catalogue No. 13-207. Ottawa, 1984.

When a list of the 10 jobs in which women workers predominated in 1971 is compared with the equivalent list for 1981, nine of the 10 jobs are the same. The 10 jobs listed in Table 5 accounted for 42 per cent of the total female labour force in 1981; in 1971 they accounted for 41 per cent.[186] Considering that the participation rate for women in the general labour force increased by more than 10 percentage points during this period, the continued occupational segregation is even more striking.[187]

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[185] Ostry, Sylvia. *The Occupational Composition of the Canadian Labour Force*. 1961 Census Monograph. Ottawa: Dominion Bureau of Statistics, 1967, pp.6-8, 27-28, 50-53.

[186] Canada. Statistics Canada. *Population: Labour Force Occupation Trends*. Catalogue No. 92-920. Ottawa, 1983. Census of Canada 1981.

In the United States, 80 per cent of the women in the workforce are in only 20 of the Labor Department's 427 job categories.[188]

Although every effort should be made to encourage women to diversify into jobs traditionally held by men, many women will still go on preferring clerical, service, and sales jobs, jobs characterized

## Table 5

### Selected Occupational Distribution of Women, 1981

| Job Categories | Number of females employed | % of all female workers | % female in job category |
|---|---|---|---|
| 1. Secretaries and stenographers | 368,025 | 7.6 | 98.9 |
| 2. Bookkeepers and accounting clerks | 332,325 | 6.8 | 81.9 |
| 3. Salespersons/Clerks | 292,915 | 6.0 | 59.4 |
| 4. Tellers and cashiers | 229,320 | 4.7 | 92.7 |
| 5. Waitresses and hostesses | 200,710 | 4.1 | 85.7 |
| 6. Nurses | 167,710 | 3.5 | 95.4 |
| 7. Elementary and kindergarten teachers | 139,625 | 2.9 | 80.4 |
| 8. General office clerks | 115,015 | 2.4 | 80.5 |
| 9. Typists and clerk typists | 102,970 | 2.1 | 97.8 |
| 10. Janitors, charworkers, and cleaners | 96,735 | 2.0 | 41.2 |
| | 2,045,350 | | |

Source: Compiled from Statistics Canada. Census of Canada 1981. *Population: Labour Force Occupation Trends*. Catalogue No. 92-920. Ottawa, 1983.

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[187] Canada. Statistics Canada. *Historical Labour Force Statistics — Actual Data, Seasonal Factors, Seasonally Adjusted Data*. Catalogue No.91-201 Annual. Ottawa, 1983, p.225.

[188] Cited by Tamar Lewin. "A New Push to Raise Women's Pay". *The New York Times*, January 1, 1984.

by lower levels of income, status, and mobility rather than the occupations in which men are concentrated.[189]

In 1982, 50 per cent of women with full-time jobs earned less than $15,000 per year. Fewer than 22 per cent of men worked full-time for this amount or less.[190]

The chance for promotion or transfer from these female-dominated jobs has historically been remote. And the jobs themselves tend to produce habits that flow from the nature of the work rather than the gender of the employee. As one researcher comments, "Low-paying, dead-end, marginal jobs with little future prospects have high rates of turnover, absenteeism, and tardiness, no matter who is in the job".[191] The U.S. National Research Council found that job segregation by sex, race, and ethnicity is common in today's labour market and is an important source of wage differentials. "Not only do women do different work than men, but ... the work women do is paid less, and the more an occupation is dominated by women, the less it pays."[192]

The argument has effectively been made that throughout society we undervalue and therefore underpay work done by women, and that this is a reflection of community expectations regarding male and female behaviour.[193] There is no disputing that sex-role stereotypes have affected labour market decisions, thus limiting women's options and expectations, and shaping their behaviour.[194]

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189. Boyd, Monica. "Occupational Segregation: A Review", in *Sexual Equality in the Workplace: Proceedings of a Conference*. Ottawa: Labour Canada, Women's Bureau, March, 1982, pp.66-92; see also Werneke, Diane. "The Economic Slowdown and Women's Employment Opportunities", 117 *International Labour Review* (No. 1, January-February, 1978), pp.37-51.

190. *Supra*, footnote 129.

191. Blumrosen, Ruth, *supra*, footnote 157, p. 421; see Atkinson, Tom. "Differences Between Male and Female Attitudes Toward Work", 10 *Canadian Business Review* (No.2, Summer, 1983), pp.47-51; see also Boyd, *supra*, footnote 189, p.69.

192. *Supra*, footnote 153, p.28.

193. Barrett, Nancy S. "The Impact of Public Policy Programs on the Status of Women: Obstacles to Economic Parity for Women", 72 *American Economic Review* (No.2, May, 1982), pp.160-165; Blumrosen, Ruth, *supra*, footnote 157, p.155; *supra*, footnote 153, p.93.

194. Koziara, Karen S., Pierson, David A., and Johannesson, Russell E. *The Comparable Worth Issue: Current Statistics and New Directions, Proceedings of the 1983 Spring Meeting*. Madison, Wisconsin: Industrial Relations Research Association, p.505.

But it matters little whether female-dominated jobs pay less because they are held by female workers[195] or because the jobs are undervalued by the company or marketplace.[196] The issue is whether job segregation should go on being permitted to justify income differentials that are inequitable. As one writer has observed: "...if the crucial importance of women's jobs in our society suggests that these jobs are undervalued only because they are held by women, why should women be asked to change their choices, rather than asking society to change how it rewards those choices?"[197]

## Effect of Unionization

It has been demonstrated that unionization significantly improves women's earnings and decreases the earnings gap between men and women.[198] One study showed that the male/female differential in unionized establishments is 10 per cent smaller than in non-unionized establishments.[199] The American Federation of Labor-Council of Industrial Organizations (AFL-CIO) at its 1979 convention adopted a motion supporting equal wages for jobs of comparable worth. The Canadian Labour Congress (CLC) and the Canadian Union of Public Employees (CUPE) in Canada also strongly support "equal value" laws.[200]

The number of women unionists increased by almost 300 per cent between 1962 and 1981, compared to a 72.5 per cent increase for men.[201] Even with this enormous increase, female union members represented only 29 per cent of all women in the labour force, while almost 40 per cent of all male workers are unionized.[202]

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[195] Spelfogel, Evan J. "Equal Pay for Work of Comparable Value: A New Concept". 32 *Labour Law Journal* (No.1, January, 1981), p.31; *supra*, footnote 153, pp.56-62.

[196] Breton, Albert. *Marriage, Population and the Labour Force Participation of Women*. Ottawa: Economic Council of Canada, 1984.

[197] "Paying Women What They're Worth", *QQ — Report from the Center for Philosophy and Public Policy 3*, (No.2, Spring, 1983), pp.3-4.

[198] Gunderson, Morley. "Equal Pay in Canada", in *Equal Pay for Women: Progress and Problems in Seven Countries*, ed. Barrie O. P. Pettman, London: MCB Books, 1976, pp.129-146. White, Julie. *Women and Unions*. Ottawa: Canadian Advisory Council on the Status of Women, 1980, pp.53-73.

[199] Gunderson, Morley. "Male-Female Wage Differentials and the Impact of Equal Pay Legislation", 57 *Review of Economics and Statistics* (November, 1975), p.467.

[200] Canadian Labour Congress, Women's Bureau. *Equal Partners for Change: Women and Unions*. Ottawa: CLC Labour Education and Studies Centre, 1982; Canadian Union of Public Employees. "Equal Pay", in *Equal Opportunities Kit*, Ottawa, 1982.

[201] During this period the number of women union members increased from 248,884 to 979,862. The number of unionized men increased from 1,268,701 to 2,188,206. (Statistics Canada data. Cited by Jackie Smith, *The Toronto Star*, March 19, 1984, p. 81.)

Collective agreements are bound by equal pay legislation.[203] Both management and unions are accountable for violations of equal pay legislation.

## Job Evaluations

There are undeniable problems in comparing dissimilar jobs. The current methods[204] involve a point system by which each job is measured in each of four areas — skill, mental and physical effort,[205] responsibility, and working conditions.

Under "equal pay for equal work" laws, each of these four aspects of a job has to be similar to justify similar pay. Under "equal pay for work of comparable or equal value" laws, the sum of the points represents what the job is worth. The evaluator looks at the total points rather than the points given to each of the four components. In this way, the work of a female typing-pool supervisor can be compared to the work of a male painter. Table 6 compares predominantly male occupations with predominantly female occupations judged to be of comparable worth, based on a study of monthly salaries for American government jobs in designated locations.

While this is theoretically a workable method, and is a great improvement over systems that compare jobs aspect-by-aspect, it is limited by the latitude for discretion it allows.[206] Effort and responsibility are difficult to measure objectively.

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[202] *Ibid.*

[203] *Attorney General of Alberta* v. *Gares*, *supra*, footnote 147; *Canadian Human Rights Act*, S.C. 1976-77, C.33, as amended, s.10.

[204] See, for example, the method, known as the Aiken Plan, outlined by the Canadian Human Rights Commission in *Methodology and Principles for Applying Section 11 of the Canadian Human Rights Act*. (Ottawa, undated.) In the United States, one of the major methods used is the one developed by Hay Associates, the largest job evaluation consultants in the U.S., which takes into account knowledge and skill, problem-solving, accountability, and working conditions.

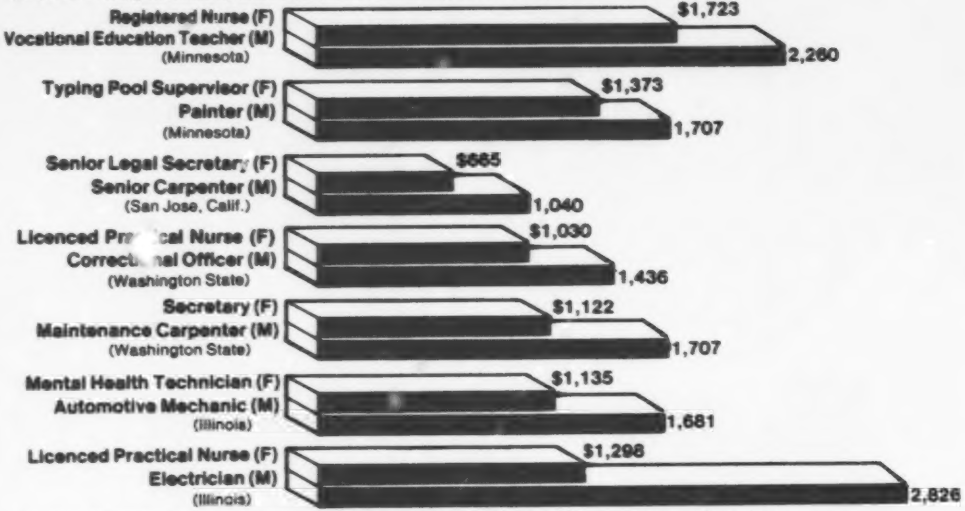
[205] In *Hodgson* v. *Daisy Manufacturing Co.* 317 F.Supp. 538 (W.D.Ark. 1970), the Court held that "effort" includes both physical and mental labour, with neither automatically commanding higher wages if the degree of effort expended is comparable. See also the *Canadian Human Rights Act*, S.C. 1976-77, C.33, as amended, s.11(2).

[206] Alexander, Judith A. *Equal-Pay-for-Equal-Work Legislation in Canada*. Discussion Paper No. 252. Ottawa: Economic Council of Canada, 1984, pp.62, 71.

## Table 6

## The Gender Gap

Below is a comparison of predominantly male and female occupations judged to be of comparable worth, based on a study of monthly salaries for Government jobs in designated locations.



*Source: Commission on the Economic Status of Women, State of Minnesota; Hay Associates; Norman D. Willis & Associates.*

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It remains to be determined what percentage of employees of a particular gender must be in a job before it begs comparison with a job dominated by the other gender: a simple or a substantial majority. In the United States, a predominantly female job is one in which 70 per cent of the occupants are women.[207] More realistically, any job in which more than 50 per cent of the occupants are of one gender should be considered a job dominated by that gender.[208]

Although job evaluations of this kind may seem a formidable exercise in human and market judgement, it is already the case that most large companies have job-classification and job-evaluation systems by which they determine how much to pay employees. The exercise therefore does not require the introduction of a foreign mechanism into the corporate system. It simply means adding to existing corporate practices a component designed to fine-tune classification systems which themselves were established ostensibly to ensure an equitable and reasonable pay structure for employees. The new component must screen for the discriminatory undervaluation of jobs held by women and must cancel the bias that led to the lower wage in the first place.

It will take time before such a system is refined to the point where it can easily and precisely be applied. It will also take sensitivity and discretion. But it is essential to making pay structures finally equitable.

In two recent cases, the method has been successfully used by the Canadian Human Rights Commission to recover lost wages for women. In one,[209] a complaint was filed as a result of a wage difference of almost 20 per cent between government employees in the Library Sciences Classification, which was more than 56 per cent female, and employees in the Historical Research Classification, which was more than 75 per cent male. A job evaluation of the two tasks was performed and it was concluded that the librarians did work of equal value to that done by historical researchers. The settlement provided for $2.3 million in back pay as well as continuing annual adjustments ranging from $500 to $2,500.

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[207] Waldman, Elizabeth and McEaddy, Beverly J. "Where Women Work — An Analysis by Industry and Occupation" 97 *Monthly Labor Review* (1974), pp.10-11.

[208] The Canadian Human Rights Commission has ruled that "50 per cent plus one does not constitute dominance, and that a clear majority of one sex would have to be sustained over a period of time for the group to be considered sex-dominated". (Canadian Human Rights Commission. "Hospital Technicians", from the Summary of Decisions, May-June, 1982, in *Equal Pay Casebook, 1978-1983*. Ottawa, 1983, p.8.)

[209] Canadian Human Rights Commission. "Librarians and Historical Researchers", from the *Summary of Decisions*, December, 1980; news release of Dec.17, 1980, in *Equal Pay Casebook, 1978-1983*. Ottawa, 1983, pp.5-6.

In another case,[210] a claim was instituted by the Public Service Alliance because tasks performed primarily by women in the General Services Occupation Group (kitchen, laundry, and miscellaneous personal service) attracted considerably lower wages than those performed primarily by men in the same occupation group (messenger, custodial, building, and store services). A $17 million settlement was negotiated with Treasury Board.

This does not mean that the only way to narrow the income gap is through the complex "equal value" test. Other methods that have been advanced include equalizing base or entry pay rates;[211] eliminating the use of separate seniority lists for men and women; reducing the steps within job classifications or at least making sure that "female" jobs have no more of these steps than do "male" jobs; expressing wage rates for "female" jobs exactly as they are for men, either by hour or by month; giving similar wage increases across the board; bottom-end loading increases to add an extra per-hour increase for lower-paid workers;[212] and eliminating "rug-ranking", a system that bases the earnings of secretaries based on the status of the persons for whom they work rather than on the work they do. These are all methods worth considering seriously.

The alternative to exploring ways in which to close the wage gap is to leave the issue to the vagaries of the marketplace. Those who suggest that equal pay and other economic issues for women be left to the awakening sensibilities of the marketplace either do not appreciate that the values of the marketplace may themselves be discriminatory[213] or do not care that they are. The marketplace is a convenient altar upon which many needs are sacrificed. The economically and strategically powerful elements in society have not in the past exhibited any great ability to isolate and address the discrimination women and minorities have experienced in employment, particularly when economic imperatives urged insensitivity. It is unreasonable to expect that this will change in any significant way unless the marketplace is directed by statute to concentrate on the problem.

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[210] Canadian Human Rights Commission. "General Services", news release of March 19, 1981; news release of March 2, 1982, in, *Equal Pay Casebook, 1978-1983*. Ottawa, 1983, pp.7-8.

[211] Equal Pay Information Committee (Vancouver, British Columbia). Submission to the Commission of Inquiry on Equality in Employment. November, 1983.

[212] *Ibid.* This was done in 1981 with the British Columbia Government Employees Union workers. Lower paid workers were given an increase of 6 per cent while higher paid workers received only a 3 per cent wage increase.

[213] *Supra*, footnote 180, pp.6.10-6.18.

## CONCLUSION

Employment equity is a strategy designed to obliterate the present and the residual effects of discrimination and to open equitably the competition for employment opportunities to those arbitrarily excluded. It requires a "special blend of what is necessary, what is fair and what is workable".[214]

To ensure freedom from discrimination requires government intervention through law. It is not a question of whether we need regulation in this area but of where and how to apply it. Based on history, present evidence, and apprehensions for the future, the elimination of all forms of discrimination requires more, rather than less, law.

We need equal opportunity to achieve fairness in the process, and employment equity to achieve justice in the outcome.

Law in a liberal democracy is the collective expression of the public will. We are a society ruled by law — it is our most positive mechanism for protecting and maintaining what we value. Few matters deserve the attention of law more than the right of every individual to have access to the opportunity of demonstrating full potential.

What is needed to achieve equality in employment is a massive policy response to systemic discrimination. This requires taking steps to bring each group to a point of fair competition. It means making the workplace respond by eliminating barriers that interfere unreasonably with employment options.

It is not that individuals in the designated groups are inherently unable to achieve equality on their own, it is that the obstacles in their way are so formidable and self-perpetuating that they cannot be overcome without intervention. It is both intolerable and insensitive if we simply wait and hope that the barriers will disappear with time. Equality in employment will not happen unless we make it happen.

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214. *Lemon* v. *Kurtzman*, 411 U.S. 192, 201 (1973).

# SUMMARY OF RECOMMENDATIONS

1. All federally regulated employers should be required by legislation to implement employment equity. Measures to eliminate discriminatory employment barriers and practices should be referred to as employment equity, rather than as affirmative action.

2. Employment equity legislation should have three major components:

   a) a requirement that employers implement employment equity;

   b) a requirement that employers collect and annually file data, by designated group, on the participation rates, occupational distribution, and income levels of employees in their workforces; and

   c) an enforcement mechanism.

3. The statutory requirement to implement employment equity should oblige employers to develop and maintain employment practices designed to eliminate discriminatory barriers and to improve where necessary the participation of women, native people, disabled persons, and specified ethnic and racial groups in the workplace. No quotas should be imposed.

4. Sections 15 and 15.1 of the Canadian Human Rights Act should be amended to ensure that employers subject to employment equity legislation are not required to seek the approval of the Canadian Human Rights Commission prior to introducing ameliorative programs in their workplaces.

5. Employers should be required to have in their workplaces employment equity committees consisting of representatives of management, labour, and the designated groups.

6. Employers should be given flexibility in the redesign of their employment practices.

7. Since the goal of imposing a statutory obligation to implement employment equity is to expand employment opportunities of qualified individuals in the designated groups by eliminating discriminatory barriers in the workplace, results, not systems, should be reviewed initially.

If the results are found to be unreasonably low by the enforcement agency, taking into account the employer's job openings, prior record, and the realities of the local labour force, the enforcement agency would determine whether or not the results reflect discriminatory practices. If they do, the employer would be advised to amend these practices.

8. Guidelines for the implementation of employment equity should be developed by the enforcement agency to assist employers in the design of non-discriminatory employment practices. This should be done through ongoing consultation with regional and national representatives of business, labour, and the designated groups.

9. Statistics Canada should provide the enforcement agency with relevant data to be used by the enforcement agency in the formulation of guidelines and by employers in the formulation of reasonable employment objectives.

10. Employers should, with an assurance to their employees of confidentiality, be required to request and collect information on the participation in their workforces of women, native people (Status Indian, non-Status Indian, Métis, and Inuit), disabled persons, and specified ethnic and racial groups by occupational category, by salary quartile, and by salary range. This data should be filed annually with the enforcement agency.

    Data should also be collected on the representation of these groups in hirings, promotions, terminations, lay-offs, part-time work, contract work, internal task forces or committees, and training and educational leave opportunities.

11. The data collection requirements should be standardized. They should be formulated by the enforcement agency in consultation with Statistics Canada.

12. To permit better analysis and assessment, the data classifications developed for the implementation of employment equity should match as closely as possible the data classifications of Statistics Canada.

13. An employee's self-identification of gender, race, ethnicity, or disability should be voluntary.

14. Section 8 of the Canadian Human Rights Act should be amended to permit the collection of data by gender, race, ethnicity, or disability for the purposes of complying with employment equity legislation.

15. Statistics Canada should analyze the data obtained from employers. The results of this analysis should be sent to the enforcing agency for assessment.

16. Amendments to the Statistics Act should be made to ensure that Statistics Canada has jurisdiction to analyze employers' data and disclose the analysis to the enforcement agency.

17. The performance of each employer should be compared with the performance of other employers in the same industry or region and with each employer's previous performance. A more sophisticated and refined data base should be developed to permit comparison of the composition of an employer's workforce with the externally available local supply of labour.

18. The enforcement agency should make available publicly the employer's data, the analysis by Statistics Canada, and the assessment by the enforcement agency by tabling a report annually in Parliament.

19. The requirement to implement employment equity should take effect immediately upon the passage of legislation. The obligation on employers to collect data should take effect upon the development of standardized data collection requirements.

    The obligation to file data should not take effect for three years in order to permit the development and coordination of data requirements, the reorganization of employers' information systems, and the necessary restructuring of human resource and strategic planning systems.

20. Additional labour force questions should be included in the census questionnaire to solicit information on promotions, absenteeism, past employment, pre-employment training and education, length of time and wages paid in the current occupation, hours worked weekly, length of time with a particular employer, and number of years in the labour force. Labour force information should be solicited and analyzed by gender, ethnic or racial origin, and disability.

21. Statistics Canada should undertake more longitudinal studies to measure the integration of designated groups into the labour force.

22. Employment equity programs for specified ethnic and racial groups and for native populations would vary by region and industry.

23. The enforcement of employment equity requires an agency that:

    a) is independent;

    b) has a qualified staff familiar with labour relations, employment systems, and human rights issues;

    c) has sufficient resources to discharge its mandate; and

    d) has an ongoing consultative relationship in the development of employment equity guidelines with national and regional representatives from business, labour, and the designated groups.

    The process of review and investigation should be as streamlined as is consistent with due process.

24. Monitoring of employers' results can be done either on a random basis or on a "worst first" basis. Certain industries could be appropriately targeted for specific attention. Employers should be monitored not only for changes in the participation rates of the designated groups, but also for improvements in their distribution throughout classification and pay levels.

25. Several alternative enforcement models are offered for the government's consideration. Each model is assumed to contain the statutory requirement to implement employment equity and to collect data as outlined in these recommendations. In all models, Statistics Canada analyzes the data and the enforcement agency is independent from government.

    Model 1:

    a) The Canadian Human Rights Commission would be responsible for issuing employment equity guidelines, collecting, reviewing, and assessing data, and enforcing employment equity by investigating and adjudicating complaints.

b) The Canadian Human Rights Commission would retain jurisdiction over contract compliance. The necessary regulations should be enacted pursuant to section 19 of the Canadian Human Rights Act.

c) A new, independent, facilitative agency would be established:
   - i) to act primarily as a consultant to employers on a confidential basis on how to implement employment equity;
   - ii) to act as a consultant to the Canadian Human Rights Commission on the development of employment equity guidelines;
   - iii) to establish a consultative process on a local and national basis with representatives from business, labour, and designated groups; and
   - iv) to provide conciliation services in employment equity disputes to the Canadian Human Rights Commission on a "without prejudice" basis. Where there is no settlement, disputes would be referred back to the Canadian Human Rights Commission for adjudication.

Model 2:

a) A new, independent agency would be established to deal exclusively with the monitoring and enforcement of employment equity. This agency would be responsible for issuing employment equity guidelines, collecting, reviewing, and assessing data, investigating employment practices, where appropriate, and referring disputes to conciliation. Where no settlement is reached, disputes would be referred to binding arbitration.

b) This agency would have jurisdiction over contract compliance.

c) To avoid duplication, section 19 of the Canadian Human Rights Act, dealing with contract compliance, should be repealed.

Model 3:

a) The Canadian Human Rights Commission would be responsible for issuing employment equity guidelines, collecting, reviewing, and assessing data, investigating and adjudicating complaints, and enforcing contract compliance.

b) The Canadian Labour Market and Productivity Centre would act as a consultative body to the Canadian Human

Rights Commission in the development of employment equity guidelines with the benefit of input from representatives of the designated groups, in addition to that received from representatives of business and labour.

Model 4:

a) The Canadian Human Rights Commission would be responsible for issuing employment equity guidelines, collecting, reviewing, and assessing data, investigating and adjudicating complaints, and enforcing contract compliance.

b) The Canada Labour Code would be amended in order to require labour inspectors to supplement investigations by the Human Rights Commission by monitoring and referring possible violations of employment equity to the Canadian Human Rights Commission for enforcement.

26. Provincial and territorial governments should give serious consideration to requiring provincially and territorially regulated employers to implement employment equity. Provincial requirements should, insofar as is possible, be consistent with those of the federal government.

27. In the absence of legislation requiring federally and provincially regulated employers to implement employment equity, the federal government should utilize contract compliance.

Under contract compliance, the federal government would purchase goods and services only from businesses that agree to implement employment equity.

Contract compliance should be imposed by legislation.

28. Contracts with the federal government may include, in addition to the requirement to implement employment equity, other clauses to accommodate local needs, such as specific goals and timetables and the provision of adequate training, transportation, or housing in northern and remote regions of Canada.

29. The same agency used to enforce employment equity should be used to enforce contract compliance.

30. If the Supreme Court of Canada holds that the intention behind, rather than the impact of, behaviour is determinative of a finding of discrimination, section 10 of the Canadian

Human Rights Act should be amended to affirm the jurisdiction of the Canadian Human Rights Commission over systemic discrimination.

31. Any limitations to seniority rights should be left to collective bargaining. Employment equity legislation should not include provisions restricting or further protecting seniority rights.

32. The provinces and territories should enact equal pay for work of equal value legislation to comply with international obligations to do so. Wages should be defined as total remuneration received, including all forms of benefits, direct or indirect.

33. Equal pay for work of equal value should be part of all employment equity programs.

34. Greater resources should be allocated for the enforcement of section 11 (the equal pay provisions) of the Canadian Human Rights Act, both through the Canadian Human Rights Commission and through section 38.1 of the Canada Labour Code.

35. Section 11 of the Canadian Human Rights Act should be amended to delete the requirement that job comparisons be made only within the same establishment.

36. Employers should give consideration to using alternative methods of narrowing the income gap. These other methods include equalizing base or entry pay levels; eliminating the use of separate seniority lists for men and women; reducing the steps within job classifications, or at least making sure that "female" jobs have no more steps than do "male" jobs; expressing wage rates for men and women in the same way, either by the hour or month; giving similar wage increases across the board; bottom-end loading increases to benefit lower paid workers; and eliminating "rug-ranking"

37. Human rights statutes across Canada should be amended where required to ensure that human rights commissions have jurisdiction over systemic discrimination and can order employment equity as a remedy. These commissons should be given the necessary resources to exercise their authority effectively.

38. Course material and textbooks used in schools should be monitored to ensure that discriminatory stereotypes are avoided.

39. There should be greater representation in educational institutions of members of the designated groups in administrative positions and as teachers of subjects not traditionally taught by them.

40. Teachers and guidance counsellors should receive training to assist them in identifying discriminatory stereotypes and practices.

41. Guidance counsellors and teachers should be trained to ensure that they are not streaming children of a particular gender, ethnicity, or race, or with a disability, into programs that lead to restricted employment opportunities.

42. Guidance counsellors should have access to information about labour market patterns.

43. Although disabled children require an individualized approach to their education, there should be a presumption in favour of educating them with children who are not disabled.

    Facilities and personnel should be made available so that the disabled child, as early as possible in his or her education, can integrate into the public school system. These children should be educated in the least restrictive educational environment and as close to their families as possible.

44. The range and number of programs and systems to educate disabled children must be increased, and more information must be available to families about various educational options.

45. Educational facilities and training centres should be, in all respects, accessible to disabled persons.

46. Native people should be actively recruited for teaching positions. Non-native teachers of native children should be familiar with the culture of their students.

47. Curriculums should reflect the cultural differences of native people.

48. Native children should be taught in their own language, as well as in either English or French. Where required, steps should be taken to provide English/French as a second language.

49. For native students, a decentralized education model is required to serve the large numbers of native people living in rural and remote areas.

50. Wherever possible, schooling for native people should be in their home communities.

51. Educational institutions developed primarily by and for native people should be encouraged.

52. Native people should be able to participate in the negotiations of tuition and capital-contribution agreements for native schools.

53. Métis and non-Status Indians should receive the same allowances to complete post-secondary education as do Inuit and Status Indians.

54. The federal government in consultation with provincial governments should develop a national, coordinated policy on adult basic education.

55. A new framework agreement with the provinces is required so that language, literacy, and training programs offered are of consistent quality, are delivered through a coordinated mechanism, and are subject to evaluation.

56. Part-time post-secondary education should be made more generally available to permit access by students from among the designated groups. This education should be offered at convenient times and include a wide range of courses.

57. Universities should undertake creative recruitment policies aimed at attracting students from among the designated groups particularly into courses and professions in which they are under-represented.

58. Post-secondary institutions and training programs mandated to respond directly to the needs of the labour market should be required to take measures to increase the participation of members of the designated groups in the relevant vocational training courses and programs.

59. Language training, including the necessary incidental income allowances, should be easily available to all immigrants who wish it regardless of their labour market intentions or immigrant classification at the time of entry into Canada.

60. Language training should be available in either of Canada's two official languages in all parts of Canada.

61. More language instruction should be available and existing programs lengthened in order to ensure language fluency. Candidates, not Employment and Immigration counsellors, should determine whether or not they need this training. The time limitation on language programs should be replaced by a "desired competency level".

62. Language courses should be available not only at the general proficiency level, but also at an advanced level for those who wish to learn the language of their particular skill or profession. More vocationally oriented language programs should be available.

63. Language training should be available in rural and in remote areas.

64. There should be more on-the-job language training.

65. Part-time language training should be available to men and women whether or not they have full-time employment.

66. Transportation and childcare allowances should be available to those taking language or literacy training.

67. The use of English or French immersion classes should be re-evaluated and consideration given to the use of bilingual classes using the language of the immigrant as the basis for instruction.

68. Volunteer organizations providing literacy and language training of an adequate standard should receive better and more secure funding.

69. The range of programs available to immigrants should be more effectively publicized.

70. Employment and Immigration counsellors should be expert in the language and culture of the immigrants to whom they deliver information and services, or should have access to this expertise.

71. The process of acculturation for immigrants should be started prior to their emigration.

72. A new agency should be established to assist skilled immigrants in pursuing their careers in Canada. This agency would provide counselling services, advice on obtaining professional accreditation, and information on language training. It would also assist employers in assessing qualifications acquired by immigrants in other countries.

73. The criteria used by professional accreditation bodies to assess credentials should be reviewed to ensure that requirements are objective and fair. There should be no requirement of citizenship to practise a profession in Canada.

74. To ensure that training programs are relevant, effective, and accessible, there should be local advisory panels consisting of labour force analysts and representatives of the designated groups, business, labour, educational institutions, and federal, provincial, and territorial governments. These panels would meet regularly to determine:
    a) the design and quantity of training programs;
    b) their effectiveness in increasing employment opportunities;
    c) how best to increase the participation rate of designated groups in vocational, training, and post-secondary institutions;
    d) how best to recruit members of the designated groups for jobs in which they are traditionally underrepresented;
    e) what communications networks should be available to advise potential applicants of the existence of these programs; and
    f) future job availability.

75. Conditions relating to the quality, design, and accessibility of training programs should be attached to the allocation of training funds by the federal government.

76. To ensure that training opportunities better match job prospects, more effective job forecasting and labour force analysis should be encouraged at both the regional and national level.

77. The existence of programs should be communicated more effectively to the intended beneficiaries. A communications network should exist to publicize training and employment

opportunities. It should enlist the assistance of local volunteer consumer groups to ensure that training and employment opportunities are communicated to potential employees and that potential employers can more easily find a pool of qualified labour.

78. The participation of members of the designated groups in programs under the National Training Act should be encouraged to increase their participation in those areas in which they are not traditionally represented. Selection of the courses should be at the instigation of the member of the designated group rather than at the discretion of a government counsellor.

79. There should be more "bridging", pre-trades, and on-the-job training programs that, at completion, promise a job, and more local training in remote areas.

80. There should be more generic training, that is, training with skills common to a number of occupations, so that there is an opportunity to develop portable skills.

81. Educational requirements for training programs should be re-evaluated to ensure that they are not unreasonably high and are relevant. Determination of eligibility for training programs should be based on aptitude for the particular skill rather than on educational qualifications.

82. Mobile and regionally based training centres should be established so that native people living in remote areas can train without having to leave their communities for extensive periods of time. Where it is not possible to take training courses locally, financial provision should be made for transportation and communication expenses. Either adequate childcare allowances should be available to parents taking training programs or childcare facilities should be made available at training centres.

83. Programs in core and basic training as well as in occupationally specific areas should be available for women re-entering the labour market and for women whose jobs may or have become redundant by technology.

84. The interlocking system of benefits and pensions must be re-examined to ensure that those disabled persons who wish to train or educate themselves or seek employment are encouraged rather than economically penalized for wanting to improve their skills.

85. Training allowances should reflect the cost of living.

86. Individuals living with a working spouse or with parents should receive the same training allowances as persons not in these living arrangements.

87. Part-time employees should be eligible for training and retraining programs. Part-time trainees should be eligible for training allowances on a prorated basis.

88. Employers should increase efforts to ensure that qualified members of the designated groups at all occupational levels receive a fair proportion of education and skill training leaves.

89. Outreach workers should not be hired on short-term contracts but should be made part of the permanent government public service.

90. The government should hire more representatives from among the designated groups to act as Canada Employment and Immigration Commission counsellors.

91. The term "childcare", rather than the term "daycare", should be used to describe a system intended to care for children whenever the absence of a parent requires an alternative form of care.

92. The ideal childcare system should be publicly funded, of acceptable quality, and universally accessible, though not compulsory. It should provide care for children from birth until the age at which they are legally permitted to remain home unattended by an adult.

    Until this is possible, childcare should be available for children whose parents are unable to care for them on a full-time basis and for children with special needs arising from a disability.

93. The federal government should, in cooperation with the provinces and territories, develop an appropriate funding mechanism for childcare. The Canada Assistance Plan is an inappropriate funding mechanism for childcare as it perpetuates the suggestion that childcare is an aspect of the welfare system.

94. A National Childcare Act should be enacted, based on consultation with the provinces, territories, and interest groups, to guarantee consistent national standards.

95. The provisions of a National Childcare Act should take into account an appropriate child/staff ratio, urban and rural needs, and special needs of children who are native, members of minority groups, or disabled.

96. The hours of service of childcare facilities should be as flexible as possible and should at the very least accommodate the average person's working or training schedule.

97. A range of delivery systems should be supported by subsidies and governed by flexible standards. Delivery systems can include childcare facilities in school buildings, in other settings in the neighbourhood, or at a parent's workplace.

98. Employers should permit either parent to take a fixed number of days off annually for child-related reasons.

99. Adequate training should be more generally available for childcare providers, including specific training to meet the requirements of children with special needs.

100. Childcare providers should be paid adequately.

101. Childcare providers of both genders from minority groups should be actively recruited.

102. Childcare expenses should be fully deductible by either parent.

103. Part-time workers should receive on a prorated basis the same protection, rights, and benefits as those now guaranteed to full-time workers.

104. Any program intended to benefit the designated groups should be designed with their input.

105. Homemaking and volunteer work should be considered legitimate work experience.

106. Paid domestic workers should be protected by human rights and employment standards legislation.

107. Employers should provide a process for dealing effectively and quickly with sexual harassment in their workplaces.

108. The various governments providing economic and social assistance to native people should coordinate services and ensure consistent standards.

109. Section 12(1)(b) of the Indian Act, whereby native women who marry non-native men lose their Indian status, should be repealed.

110. Benefits available to Status Indians should be provided whether or not they live on reserves. Benefits available to Status Indians and Inuit should be extended to non-Status Indians and Métis.

111. Workplaces should be made accessible in all respects to disabled persons, with appropriate adjustments to the tax system to facilitate this accommodation.

112. Technical aids, assistive devices, and medical benefits available to disabled persons while on welfare or disability pensions should continue to be available to them once employed. Funds should be made available to disabled persons to cover certain employment-related costs, such as transportation.

113. Employment opportunities should be expanded for disabled persons by making available adequately remunerated part-time employment and work-sharing.

114. Sheltered workshops should pay disabled persons at least the minimum wage. They should also provide job placement services so that a greater number of disabled persons trained at these facilities are assisted in entering the workforce. Guidelines should be developed as to the duration, quality, and evaluation of training in sheltered workshop programs.

115. An employer's requirement of Canadian experience should be permitted only in those cases where it is demonstrated to be essential to the performance of the job.

116. Financial institutions should ensure that their lending practices do not unfairly restrict individuals in the designated groups from receiving credit.

17. Government agencies should ensure that more individuals from among the designated groups are employed to deliver those services designed to assist these groups.

# Appendix A

## Requests for Participation

On June 27, 1983, the Commission sent letters to nearly a thousand individuals and organizations enclosing the Terms of Reference and inviting the participation of as many people as possible.

On August 5, 1983, a subsequent letter was sent elaborating the issues to be addressed by the Commission and encouraging submissions from the public. This letter was also mailed throughout the fall to additional interested groups and individuals.

Advertisements requesting submissions from the public were placed in 60 daily newspapers, journals, and magazines across Canada during the month of September.

This appendix includes the following documents:

- Letter of June 27, 1983, announcing the Commission
- Letter requesting submissions from the public
- Advertisement

**Commission of Inquiry on
Equality in Employment**

CANADA

**La Commission d'enquête sur
l'égalité en matière d'emploi**

Judge Rosalie S. Abella
Commissioner

Mme le juge Rosalie S. Abella
Commissaire

June 27, 1983

Dear :

As you may know, the Government of Canada has just established a Commission of Inquiry on Equality in Employment. The purpose of the Commission is to examine the ways in which access to equal employment opportunities is available to women, native people, disabled individuals, and visible minorities. By concentrating on 11 Crown Corporations, the study will be able to explore these broad issues in a defined context. A copy of the Terms of Reference is enclosed for your information.

After a series of consultations with interested groups and individuals in Canada, and with the benefit of briefs which will be submitted, a report will be prepared addressing the matters raised throughout the process. In a subsequent letter to be sent next month, I will provide you with details on the preparation and submission of briefs.

If there is anyone or any organization you think would be interested in participating, would you kindly let us know so that we can send the relevant information to them.

I look forward to hearing from you and learning your views.

Yours very truly,

Judge Rosalie S. Abella
Commissioner

**Commission of Inquiry on Equality in Employment**

CANADA

**La Commission d'enquête sur l'égalité en matière d'emploi**

Judge Rosalie S. Abella
Commissioner

Mme le juge Rosalie S. Abella
Commissaire

, 1983

Dear :

As the enclosed Terms of Reference indicate, the purpose of the Commission on Equality in Employment is to:

> "...inquire into the most efficient, effective and equitable means of promoting employment opportunities, eliminating systemic discrimination and assisting all individuals to compete for employment opportunities on an equal basis..."

The four target groups are women, native people, disabled persons, and visible minorities.

One of the most important ways in which this Commission can learn about the issues is by getting the views of affected persons or organizations. Because the six-month term of the Commission does not permit the holding of extensive public hearings, we hope to get the benefit of your opinions by written submissions. These submissions need not be in any formal style or format and can be as brief or lengthy as you wish. We would request, however, given the time constraints, that your submission be in our office by , 1983.

In addition to the issues discussed in the Terms of Reference, we would be interested in your opinions on whichever of the following matters are of particular importance or relevance to you:

1. The relative merits of voluntary versus mandatory programmes for implementing equality measures, including the costs and/or benefits of each option.
2. The advantages or disadvantages of various kinds of mandatory programmes, including:
    a. A reporting requirement
    b. Legislation or other sanctions
    c. The imposition of goals and timetables
    d. Contract compliance
    e. Any combination of these options.
3. The determination of appropriate goals and timetables in each target group.
4. The use of tax or other economic incentives to encourage the implementation of equality measures.

5. Appropriate monitoring and/or enforcement mechanisms for either a voluntary or mandatory programme.
6. The proper collection, use, and analysis of relevant statistical information/data on employees.
7. The desirability of having flexible work patterns, not only as to the hours of work (part-time, condensed, or enlarged work days or weeks), but also as to worksharing, shift options, and the possibilities of leave provisions.
8. The importance of training and development programmes, and the issue of determining eligibility, duration, effectiveness, and responsibility for these programmes.
9. Problems in recruiting, hiring, and promoting employees, including qualification requirements, selection techniques, and the availability of qualified candidates.
10. Resolving problems of arbitrary differences in income, pensions, and other benefits, and their relationship to factors such as job selection, classification, and segregation.
11. The desirability of childcare benefits, including parental and maternity leave provisions and childcare facilities, and the determination of whether this is a corporate, governmental, or joint responsibility.
12. The possible conflict (whether the corporation is wholly or partially unionized) between established principles of seniority, lay-off, and termination, and potential measures for implementing equality, such as numerical goals.
13. Your experience with or opinions about the impact of existing government legislation, programmes, or initiatives whose purpose is to eliminate or minimize barriers to equality in employment.
14. The impact of technology on the options available for facilitating equality in employment.
15. The impact of a restrictive economic climate on the range and feasibility of options available.
16. Any other perceived or actual barriers to equality in employment, including educational options, cultural and social expectations, historical disadvantages, physical, geographic, or logistic obstacles, and attitudinal impediments.

This list is by no means exhaustive. It is intended rather to assist you by giving you some idea of the kinds of issues the Commission will be examining. I am aware that the approach and emphasis will necessarily differ with each target group and that the remedies proposed will have to reflect these differences. As well, concerns and experiences of both management and labour, which may or may not coincide, will have to be addressed. To ensure that all these perspectives are properly considered, we would like to hear from as many people and associations as possible.

If you have any further questions, please do not hesitate to contact Lori Brown, Submissions Coordinator, at the Commission office at your convenience.

Yours very truly,

Judge Rosalie S. Abella

**Commission of Inquiry on**
**Equality in Employment**

Judge Rosalie S. Abella
Commissioner

CANADA

**La Commission d'enquête sur**
**l'égalité en matière d'emploi**

Mme le juge Rosalie S. Abella
Commissaire

On June 27, 1983, the Government of Canada established a Commission of Inquiry to study discrimination in the workplace against women, native people, disabled persons, and visible minorities. The Commission is to report by the end of the year on the most efficient, effective, and equitable ways to promote equal employment opportunities, eliminate systemic discrimination, and assist all individuals to compete for employment opportunities on an equal basis.

Interested organizations, groups, or individuals are invited to make written submissions to the Commission by October 15, 1983. Please address inquiries to:

Commission of Inquiry on
Equality in Employment
264 Adelaide Street East
Toronto, Ontario
M5A 1N1
(416) 369-4722

Judge Rosalie S. Abella
Commissioner

# Appendix B

## Submissions

The Commission received 274 submissions. These are listed in this appendix under the following headings:

- Women
- Native People
- Disabled Persons
- Visible Minorities
- Labour
- Business
- Crown Corporations and Government Bodies
- General

This listing does not include the hundreds of useful letters and documents received by the Commission.

## Submissions

### Women

Agricultural Institute of Canada, The
Toronto, Ont.

Association des femmes collaboratrices
St-Lambert, Que.

Association féminine d'éducation et d'action sociale, L' (AFEAS)
Montreal, Que.

Battlefords Interval House Society, The
North Battleford, Sask.

* B.C. Native Women's Society
Kamloops, B.C.

* Black Women's Association of Alberta
Edmonton, Alta.

Bobie, R.H.A.
Saskatoon, Sask.

Bread & Roses
Vancouver, B.C.

Business and Professional Women's Clubs of British Columbia and Yukon
Marysville, B.C.

Canadian Advisory Council on the Status of Women
Ottawa, Ont.

Canadian Association of Women Executives
Toronto, Ont.

Canadian Association on Gerontology
Winnipeg, Man.

Canadian Congress for Learning Opportunities for Women (CCLOW)
Toronto, Ont.

Canadian Daycare Advocacy Association
Saskatoon, Sask.

Canadian Federation of Business and Professional Women's Clubs
(Submitted by the Business and Professional Women's Club of Calgary)
Calgary, Alta.

Canadian Federation of University Women, Ontario Status of Women Committee
Toronto, Ont.

* Canadian Jewish Congress
Montreal, Que.

* Canadian Psychological Association
Ottawa, Ont.

Congress of Canadian Women, The
Toronto, Ont.

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* Indicates that a submission appears under more than one heading.

Contemporary Women's Program
Regina, Sask.

Cosman, Francene, President of the Nova Scotia Advisory Council on the Status of Women
Halifax, N.S.

Dunbar, Mary F.
Toronto, Ont.

Equal Pay Information Committee of Vancouver
Vancouver, B.C.

Federal PC Women's Caucus of Calgary
Calgary, Alta.

Federal PC Women's Caucus of Ottawa
Ottawa, Ont.

Federated Women's Institutes of Canada
Ottawa, Ont.

Federation of Junior Leagues of Canada
Winnipeg, Man.

Federation of Women Teachers' Associations of Ontario
Toronto, Ont.

Femmes au travail, Les
Bathurst, N.B.

Fernie Women's Resource and Drop-in Centre
Fernie, B.C.

* Focus on Black Women
Ottawa, Ont.

Human Development Center of Winnipeg
Winnipeg, Man.

Infant Formula Action Coalition (INFACT)
Toronto, Ont.

Manitoba Action Committee on the Status of Women, The
Winnipeg, Man.

Manitoba Teachers' Society, The
Winnipeg, Man.

National Action Committee on the Status of Women
Toronto, Ont.

National Household Careers Corporation
Edmonton, Alta.

National Women's Liberal Commission
Ottawa, Ont.

* Native Women Pre-Employment Training Association
Edmonton, Alta.

* Native Women's Association of the N.W.T.
Yellowknife, N.W.T.

* N.B. Native Indian Women's Council
Fredericton, N.B.

* Nova Scotia Native Women's Association
Halifax, N.S.

* Ontario Native Women's Association (two submissions)
Thunder Bay, Ont.

Organized Working Women
Toronto, Ont.

Ottawa Women's Lobby, The
Ottawa, Ont.

Professional Secretaries International, Vancouver Chapter
Vancouver, B.C.

Progressive Conservative Women's Caucus of Peel-Halton
Mississauga, Ont.

* Quesnel Tillicum Society
Quesnel, B.C.

Redin, J. Estelle
Charlottetown, P.E.I.

Réseau d'action et d'information pour les femmes (RAIF)
Sillery, Que.

Ritchie, Laurell
Toronto, Ont.

* Status of Women, Justice and Public Services, Government of the Northwest Territories
Yellowknife, N.W.T.

Times Change Women's Employment Service
Toronto, Ont.

University Women's Club of Ottawa, Standing Committees for the Status of Women and Legislation
Ottawa, Ont.

Vancouver Women in Trades Association
Vancouver, B.C.

* Wallace, V. Jean
Yellowknife, N.W.T.

Windsor Women's Incentive Centre
Windsor, Ont.

Women in Science & Engineering (WISE), Ottawa Valley Chapter
Ottawa, Ont.

Women's Bureau, Labour Canada
Ottawa, Ont.

Women's Crisis Centre, The Elliot Lake Women's Group Inc.
Elliot Lake, Ont.

Women's Emergency Centre (Woodstock) Inc.
Woodstock, Ont.

* Yukon Indian Women's Association
Whitehorse, Yukon.

## Native People

Administration régionale Kativik
Kuujjuaq, Que.

Algonquin Council of Western Quebec
Val-d'Or, Que.

Association of Iroquois and Allied Indians
London, Ont.

Association of Métis and Non-Status Indians of Saskatchewan, Riel Local #33
Regina, Sask.

* B.C. Native Women's Society
Kamloops, B.C.

Council for Yukon Indians
Whitehorse, Yukon

Dene Nation, The
Yellowknife, N.W.T.

* Department of Personnel, Government of the Northwest Territories
Yellowknife, N.W.T.

Federation of Saskatchewan Indian Nations, Indian Governments of Saskatchewan
Prince Albert, Sask.

First Nations of South Island Tribal Council
Mill Bay, B.C.

Grand Council of the Crees (of Quebec)
Val-d'Or, Que.

Grande Prairie Friendship Centre
Grande Prairie, Alta.

Indian Business Development Group, Inc.
Winnipeg, Man.

Louis Riel Métis Association of B.C.
(Joint submission with United Native Nations)
Vancouver, B.C.

Manitoba Keewatnowi Okimakanak Inc. (MKO)
Thompson, Man.

N'Amerind (London) Friendship Centre
London, Ont.

National Indian Brotherhood, Assembly of First Nations
Ottawa, Ont.

Native Council of Nova Scotia, The
Truro, N.S.

Native Counselling Services of Alberta
Edmonton, Alta.

Native Inter-Agency Council
Toronto, Ont.

Native Services Branch, Department of Advanced Education and Manpower, Government of Saskatchewan
Regina, Sask.

* Native Women Pre-Employment Training Association
Edmonton, Alta.

* Native Women's Association of the N.W.T.
Yellowknife, N.W.T.

* N.B. Native Indian Women's Council
Fredericton, N.B.

Nechi Institute on Alcohol and Drug Education
Edmonton, Alta.

New Brunswick Association of Métis and Non-Status Indians (NBAMNSI)
Fredericton, N.B.

Nishnawbe-Aski Nation
Timmins, Ont.

NorSask Native Outreach
La Ronge, Sask.

* Nova Scotia Native Women's Association
Halifax, N.S.

O'Connell, Victor
Calgary, Alta.

* Ontario Native Women's Association (two submissions)
Thunder Bay, Ont.

* Quesnel Tillicum Society
Quesnel, B.C.

Saskatoon Native Outreach Services
Saskatoon, Sask.

* Status of Women, Justice and Public Services, Government of the Northwest Territories
Yellowknife, N.W.T.

The Pas Friendship Centre Inc.
The Pas, Man.

Thunder Bay Indian Youth Friendship Society
Thunder Bay, Ont.

Tungavik Federation of Nunavut
Ottawa, Ont.

Union of New Brunswick Indians
Fredericton, N.B.

Union of Ontario Indians
Toronto, Ont.

United Native Nations
(Joint submission with Louis Riel Métis Association of B.C.)
Vancouver, B.C.

* Wallace, V. Jean
Yellowknife, N.W.T.

* Yukon Indian Women's Association
Whitehorse, Yukon

## Disabled Persons

Association des handicapés entre-amis du Temiscouata
Notre-Dame-du-Lac, Que.

Biggs, Joanne
Willowdale, Ont.

Canadian Association of Occupational Therapists
Toronto, Ont.

Canadian Co-ordinating Council on Deafness
Ottawa, Ont.

Canadian Council on Rehabilitation and Work
Winnipeg, Man.

Canadian Cystic Fibrosis Foundation
Toronto, Ont.

Canadian Hard of Hearing Association
Vancouver, B.C.

Canadian Hearing Society
Toronto, Ont.

Canadian Hearing Society, Ottawa District Regional Office
Ottawa, Ont.

Canadian Mental Health Association
Toronto, Ont.

Canadian National Institute for the Blind (CNIB)
Toronto, Ont.

Canadian National Institute for the Blind, Newfoundland and Labrador Division
St. John's, Nfld.

Canadian National Institute for the Blind, Saskatchewan Division
Regina, Sask.

Canadian Paraplegic Association
Toronto, Ont.

Canadian Paraplegic Association, Newfoundland Division
St. John's, Nfld.

* Canadian Psychological Association
Ottawa, Ont.

Canadian Rehabilitation Council for the Disabled (CRCD)
Toronto, Ont.

Centres Offering Independent Lifestyles Incorporated
Saint John, N.B.

Coalition of Provincial Organizations of the Handicapped (COPOH)
Winnipeg, Man.

Community Resources Consultants of Toronto
Toronto, Ont.

Disabled Individuals Alliance
Halifax, N.S.

Disabled Persons Employment Service
Regina, Sask.

Employment Services for the Physically Disabled (Edmonton)
Edmonton, Alta.

Epilepsy Association of Nova Scotia
Halifax, N.S.

Epilepsy Canada
Dorval, Que.

Excursions sans barrière inc.
Quebec City, Que.

Farley, Joanne
Pointe-Claire, Que.

Greater Vancouver Association of the Deaf
Vancouver, B.C.

Hard of Hearing Club of Ottawa
Ottawa, Ont.

Hayes, Jack
Don Mills, Ont.

Hogle, Randy
Edmonton, Alta.

Kellerman, John
Toronto, Ont.

Kenny, J.R.
Calgary, Alta.

Lethbridge Association for the Mentally Retarded
Lethbridge, Alta.

Line 1000 Placement Services
Toronto, Ont.

Low Vision Association of Ontario
Toronto, Ont.

Metro Service for the Deaf
Halifax, N.S.

Montreal Association for the Blind
Montreal, Que.

Multiple Sclerosis Information Exchange, The
Vancouver, B.C.

Muscular Dystrophy Association of Canada, The
Toronto, Ont.

New Brunswick Amputee Association Inc., The
Fredericton, N.B.

Nova Scotia League for Equal Opportunities
Halifax, N.S.

N.W.T. Council for Disabled Persons
Yellowknife, N.W.T.

On Our Own: Ontario Patients' Self-Help Association
Toronto, Ont.

Ontario Association for the Mentally Retarded
Toronto, Ont.

Ontario March of Dimes (London Regional Office)
London, Ont.

Ontario March of Dimes (Provincial Office)
Toronto, Ont.

Ottawa-Carleton Council of the Disabled, The
Ottawa, Ont.

P.E.I. Outreach Employment Program for the Disabled
Charlottetown, P.E.I.

Prince Edward Island Council of the Disabled Inc.
Charlottetown, P.E.I.

Quebec Association for the Mentally Retarded
Montreal, Que.

Quebec Hospital Association
Montreal, Que.

* Quesnel Tillicum Society
Quesnel, B.C.

Regional Action Group of Edmonton
Edmonton, Alta.

Saskatchewan Co-ordinating Council on Social Planning
Saskatoon, Sask.

Saskatchewan Voice of the Handicapped
Regina, Sask.

Society for Crippled Children and Adults of Manitoba, The
Winnipeg, Man.

Stark, Marie and Chris
Fredericton, N.B.

Steps — Special Training and Employment Placement Service
Toronto, Ont.

T & R Management
Toronto, Ont.

Vancouver Association for Children and Adults with Learning Disabilities
Vancouver, B.C.

## Visible Minorities

Banerjee, C.
Burnaby, B.C.

Bhalloo, Ahmed H.
Scarborough, Ont.

* Black Women's Association of Alberta
Edmonton, Alta.

Calgary Vietnamese Canadian Association
Calgary, Alta.

Canadian Federation of Vietnamese Associations
Ottawa, Ont.

* Canadian Jewish Congress
Montreal, Que.

Canadian Multiculturalism Council
Hull, Que.

Centre for Research-Action on Race Relations (C.R.A.R.R.)
Montreal, Que.

Chinese Canadian National Council (CCNC)
Toronto, Ont.

Chinese Canadian National Council, Calgary Chapter
Calgary, Alta.

Committee for Racial Equality
Toronto, Ont.

Committee for Racial Justice, The
Vancouver, B.C.

Confidential
Fernie, B.C.

Council of Jamaicans in Ontario, The
(Joint submission with the Emancipation 150 Committee)
Pickering, Ont.

Council of Muslim Communities of Canada
Ottawa, Ont.

Council of National Ethnocultural Organizations of Canada: Task Force on Visible Minorities
Nepean, Ont.

Emancipation 150 Committee
(Joint submission with The Council of Jamaicans in Ontario)
Downsview, Ont.

Federation of Ethnic Groups of Quebec, Inc.
Montreal, Que.

Federation of Sikh Societies of Canada
Ottawa, Ont.

* Focus on Black Women
Ottawa, Ont.

Group of Nova Scotia Black Organizations including:
  African United Baptist Association
  Bilalian Development Association of Nova Scotia
  Black Business Consortium
  Black Business & Professional Women's Group
  Black Educators' Association
  Black United Front of Nova Scotia
  Black Social Workers' Association
  East Preston Ratepayers' Association
  East Preston Lions Club
  East Preston Lioness Club
  Preston Area Churches

Guru Nanak Sikh Temple Society
Williams Lake, B.C.

Immigrant Settlement Board, The
Vancouver, B.C.

Inter Cultural Associates
Toronto, Ont.

Inter-Cultural Association of Greater Victoria
Victoria, B.C.

Jajalla, Paul
Winnipeg, Man.

Japanese Canadian Citizens Associations, Toronto Chapter
Toronto, Ont.

Joseph, Leonard
Calgary, Alta.

* League for Human Rights of B'nai Brith, Canada
Downsview, Ont.

Li, Peter S.
Saskatoon, Sask.

Liber, Bruno Benjamin
Malton, Ont.

Mayor's Committee on Community and Race Relations
Toronto, Ont.

Members of Minority Elect (MOME)
Downsview, Ont.

Multicultural Association of Nova Scotia
Halifax, N.S.

Multiculturalism Directorate, Secretary of State
Ottawa, Ont.

Muslim Society of P.E.I.
Charlottetown, P.E.I.

National Association of Canadians of Origins in India (NACOI)
Ottawa, Ont.

National Association of Canadians of Origins in India (NACOI), B.C. Chapter
Vancouver, B.C.

National Capital Alliance on Race Relations (NCARR)
Ottawa, Ont.

National Congress of Italian Canadians, Quebec Region
Montreal, Que.

North Preston Ratepayers Association
Halifax County, N.S.

Oliver, W. P.
Halifax, N.S.

Ontario Council of Agencies Serving Immigrants (OCASI)
Toronto, Ont.

Ottawa-Carleton Immigrant Services Organization
Ottawa, Ont.

Pilipino Bayanihan of Mississauga
Mississauga, Ont.

Pujadas, Eugene A.
Edmonton, Alta.

* Quesnel Tillicum Society
Quesnel, B.C.

Richmond, Anthony H.
Downsview, Ont.

Saskatoon Multicultural Council Inc.
Saskatoon, Sask.

Saskatoon Open Door Society
Saskatoon, Sask.

Service d'aide aux néo-Québécois et immigrants inc. (SANQI)
Montreal, Que.

Truster, Paul
Toronto, Ont.

United Calgary Chinese Association
Calgary, Alta.

United Council of Filipino Association in Canada
Winnipeg, Man.

Urban Alliance on Race Relations
Toronto, Ont.

## Labour

Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)
Toronto, Ont.

Association of Television Producers and Directors (Toronto)
Toronto, Ont.

Canadian Air Line Flight Attendants' Association (CALFAA)
Toronto, Ont.

Canadian Air Line Pilots Association (CALPA)
Brampton, Ont.

Canadian Labour Congress (CLC)
Ottawa, Ont.

Canadian Union of Public Employees (CUPE)
Toronto, Ont.

Communications Workers of Canada (CWC), Local 3
Moose Jaw, Sask.

Economists, Sociologists & Statisticians Association
Ottawa, Ont.

Energy & Chemical Workers Union, Petro-Canada Refinery Unit, Local 593
Oakville, Ont.

International Association of Machinists and Aerospace Workers (IAM)
Ottawa, Ont.

International Union of Operating Engineers, Local 955
Edmonton, Alta.

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
Willowdale, Ont.

National Radio Producers Association, The
Toronto, Ont.

Public Service Alliance of Canada (PSAC)
Ottawa, Ont.

Rail Canada Traffic Controllers (RCTC)
Winnipeg, Man.

Syndicat des journalistes de Radio-Canada, Le
Montreal, Que.

United Transportation Union, Local 1233
Edmonton, Alta.

## Business

Bell Canada
Montreal, Que.

Canadian Association of Geophysical Contractors
Calgary, Alta.

Canadian Chemical Producers' Association, The
Ottawa, Ont.

Canadian Construction Association
Ottawa, Ont.

Canadian Federation of Independent Business
Toronto, Ont.

Canadian Organization of Small Business
Toronto, Ont.

Conseil du patronat du Québec
Montreal, Que.

CP Rail
Montreal, Que.

Employers' Council of British Columbia
Vancouver, B.C.

IBM Canada Ltd.
Markham, Ont.

Imperial Oil Limited
Toronto, Ont.

Management Council for Responsible Employee Relations
Montreal, Que.

Organization Resources Counselors, Inc.
New York, N.Y.

Westinghouse Canada Inc.
Hamilton, Ont.

## Crown Corporations and Government Bodies

Agricultural Stabilization Board
Ottawa, Ont.

Air Canada
Montreal, Que.

Atlantic Pilotage Authority
Halifax, N.S.

Bank of Canada
Ottawa, Ont.

Canada Mortgage and Housing Corporation
Ottawa, Ont.

Canada Ports Corporation
Ottawa, Ont.

Canadian Centre for Occupational Health and Safety
Hamilton, Ont.

Cape Breton Development Corporation
Sydney, N.S.

Export Development Corporation
Ottawa, Ont.

Farm Credit Corporation Canada
Ottawa, Ont.

International Development Research Centre
Ottawa, Ont.

Livestock Feed Board of Canada
Montreal, Que.

Petro-Canada
Calgary, Alta.

Public Archives Canada
Ottawa, Ont.

Public Service Commission of Canada
Ottawa, Ont.

St. Lawrence Seaway, The
Ottawa, Ont.

Standards Council of Canada
Ottawa, Ont.

Teleglobe Canada
Montreal, Que.

Via Rail Canada Inc.
Montreal, Que.

War Veterans Allowance Board of Canada
Charlottetown, P.E.I.

## General

Association des enseignants francophones du Nouveau-Brunswick
Fredericton, N.B.

Beal, Elizabeth W.
Scarborough, Ont.

Bush, J.
Scarborough, Ont.

Campus Alternative
Rexdale, Ont.

Canadian Association for Free Expression Inc. (CAFE)
Toronto, Ont.

Canadian Teachers' Federation
Ottawa, Ont.

Communist Party of Canada, Central Committee
Toronto, Ont.

* Department of Personnel, Government of the Northwest Territories
Yellowknife, N.W.T.

Frontier College
Toronto, Ontario

Hull, James P.
Weston, Ont.

* League for Human Rights of B'nai Brith, Canada
Downsview, Ont.

Manitoba Gay Coalition
Winnipeg, Man.

Nash, John C., and Baxter, Pamela
Ottawa, Ont.

Parkland Education Employment Co-ordinating Committee
Yorkton, Sask.

People First of Ontario
Toronto, Ont.

Ramkhalawansingh, Ceta
Toronto, Ont.

Richeson, Marian E.
Saskatoon, Sask.

Robinson, K.
West Hill, Ont.

Saskatchewan Association on Human Rights
Saskatoon, Sask.

Vancouver Island Human Rights Coalition
Victoria, B.C.

Webster, Milt W.
Edmonton, Alta.

# Appendix C

## Meetings and Consultations

The Commissioner met with more than 1,100 individuals over a seven-month period. For six weeks in the fall of 1983, the Commissioner and her Meetings Coordinator travelled to 17 cities across Canada for meetings with members of the four designated groups.

Numerous additional meetings and consultations took place throughout the duration of the Commission with various individuals and groups, including representatives of business and labour, human rights officials, and government employees.

This appendix contains:

- A list of participants who attended meetings across Canada by date and location of those meetings.
- A list of people with whom the Commission consulted.

## Meetings

### Winnipeg — August 9, 1983

Coalition of Provincial Organizations of the Handicapped (COPOH)
- Bill White, National Coordinator
- April D'Aubin, Research Analyst
- Frank Rogodzinski, Chairman, Employment Committee
- Patti Holmes, Research Officer
- Alan Simpson, Past Chairperson

Canadian Association for the Mentally Retarded
- David Wetherall, Executive Director

Manitoba League of the Physically Handicapped
- David Martin, Provincial Coordinator

Premier Personnel Corp.
- Kevin Dwyer, General Manager

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Manitoba Association for Rights and Liberties (MARL), Native Concerns Group
- Abraham J. Arnold, Executive Director, MARL
- Doreen Hunter, Administrative Assistant to the Executive Director, MARL
- Allan Kiesler, Group Member
- Debra Black, Group Member
- Jerry Sopko, Group Member
- Geri McRae, Group Member
- Helen Nolan, Group Member and Human Rights Officer, Canadian Human Rights Commission
- Wayne Courchene, Group Member and Policy Analyst, First Nations Confederacy

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Manitoba Association for Rights and Liberties (MARL), Inter-Ethnic Concerns Group
- Abraham J. Arnold, Executive Director, MARL
- Arzina Burney, Race Relations Coordinator, MARL
- Agnes Calliste, Member of Group Advisory Committee
- Krishna Sahay, Group Member and Past President, East Indian Association of Winnipeg
- Claro Paqueo, Group Member and MARL Board Member
- Wayne Courchene, Group Member and Policy Analyst, First Nations Confederacy
- John A. Cardoso, Group Member and representative of Portuguese community
- Francisco Valenzuela, Group Member and representative of Chilean community
- N. W. Choi, Group Member and representative of Korean community
- Ajit Deol, Group Member and representative of East Indian community
- David Hosking, Group Member and Regional Director, Canadian Human Rights Commission
- Roger Young, Group Member and Education Officer, Manitoba Human Rights Commission
- Pedro Correia, Group Member and representative of Portuguese community

- Angela Julian, Group Member and Equal Opportunities Officer, City of Winnipeg
- Marilyn Walder, Group Member
- Paul McGeachie, Manager, Newcomer Settlement Unit, Immigration and Settlement Branch, Manitoba Department of Employment Services and Economic Security

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Manitoba Human Rights Commission
- Dale Gibson, Chairperson
- Darlene Germscheid, Executive Director

Saskatchewan Human Rights Commission
- Shelagh Day, Director
- Ken Norman, Past Chief Commissioner

## Saskatoon — August 10, 1983

Canadian Daycare Advocacy Association
- Judith Martin, Chairperson

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NorSask Native Outreach
- Allan Morin, Executive Director
- Larry Gauthier, Coordinator

Saskatoon Native Outreach Services
- Lorraine Stewart, Coordinator
- Seraphine PeeAce, Senior Counsellor

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Chinese Canadian National Council
- Peter S. Li

Chinese Cultural Society of Saskatchewan
- K. K. Wu, President

Filipino Association
- Jun Cruz

Saskatoon Open Door Society Inc.
- Louise Baalim, Program Coordinator

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Canada Employment Centre
- Terry Schmidt, Employment Counsellor

Saskatchewan Department of Advanced Education and Manpower, Native Services Branch
- Paul Wilkinson, Training Consultant and Supervisor
- Hilda Harper, Training Consultant
- Jerry Welsh, Training Consultant

## Regina — August 11, 1983

National Congress of Black Women in Canada
- Fleurette Osborne, President

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Association of Métis and Non-Status Indians of Saskatchewan
- Wayne McKenzie, Executive Director

- Dona Desmarais, Program Liaison Officer
- Cliff La Rocque, President, Riel Local 33
- Norma Welsh, Riel Cresaultis

Gabriel Dumont Institute of Native Studies and Applied Research
- Timothy Pyrch, Assistant Director

Gabriel Housing Corporation
- Lawrence Klyne, Manager
- Dwayne Racette
- Madelaine Livingstone

Native Employment Centre
- Ray Hamilton, Director

Regina Native Women's Association
- Alice Goforth, Administrative Officer

Regina Native Women's Community Centre
- Eileen McAllister, Education/Family Worker

Saskatchewan Indian Education Commission
- Clive Linklater, Director

Urban Native Pre-Employment Program
- W. A. Farley
- Linda Lafontaine

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Chinese Canadian National Council
- Ken Marr
- Ken Szeto Mah
- George Yong

Saskatchewan Association on Human Rights
- Art H. Fisher

Saskatchewan Caribbean-Canadian Association
- Earl Morgan, President

Third World Ethno-Cultural Committee (TWECC)
- H. N. Gupta, Adviser

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Public Service Commission of Saskatchewan
- C. Willy Hodgson, Senior Affirmative Action Coordinator

## Montreal — September 19, 1983

Quebec Human Rights Commission
- Francine Fournier, President

## Halifax — September 26 and 27, 1983

Black Business and Professional Women's Group
- Betty Sparks
- Carolyn Fowles

Canadian Congress for Learning Opportunities for Women (CCLOW)
- Janet Eaton

Canadian Research Institute for the Advancement of Women (CRIAW)
- Marguerite Cassin

Dalhousie Legal Aid Service
- Maureen MacDonald

Halifax Regional Welfare Rights Organization
- Shirley Marryatt, Field Worker

Halifax Transition House Association
- Margaret Cragg, Chairwoman
- Silvia Isenor

Metropolitan Immigrant Settlement Association
- Nancy Tough, Coordinator
- Sandra Nimmo, Special Needs Counsellor

Nova Scotia Advisory Council on the Status of Women
- Francene Cosman, President

Nova Scotia Association of Women and the Law
- Colleen Sheppard

Women's Employment Outreach
- Virginia Green, Counsellor
- Linda Roberts, Counsellor
- Diann Graham, Counsellor

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Micmac Friendship Centre
- Wanda Thomas, Penitentiary Liaison Officer

Native Council of Nova Scotia Métis and Non-Status Indians
- Viola Robinson, President

Nova Scotia Native Women's Association
- Clara Gloade, President

Union of Nova Scotia Indians
- Noel Doucette, President

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Canadian Paraplegic Association
- John Rogers, Assistant Executive Director
- Marion Duffet, Rehabilitation Counsellor
- Laurie Cranton, Employment Counsellor

Canadian National Institute for the Blind (CNIB) Outreach
- Ron Alley, Employment Counsellor

Disabled Alliance for Recognition in Equality (DARE)
- Basil Patriquin, President

Disabled Individuals Alliance (DIAL)
- Edward Strong, Vice-Chairman
- Barbara Legay, Board Member
- Stacey Campbell, Researcher

Epilepsy Association of Nova Scotia
- Ginnie Vrooman, President
- Peter Camfield, Board Member

Nova Scotia Human Rights Commission
- David Beaton, Coordinator of Programs for Disabled Persons

Nova Scotia League for Equal Opportunities (LEO)
- Shaun McCormick, Chairman
- Paul Jamieson, Provincial Coordinator

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Black Business Consortium
- David Hill, President
- Bernetta Hill

Black Cultural Society for the Protection and Preservation of Black Culture in Nova Scotia
- Gus Wedderburn, President
- W. P. Oliver, Honorary President

Black Educators' Association
- Brad Barton, President

Black United Front of Nova Scotia
- Hamid Rasheed, Executive Director
- D. W. (Buddy) Daye, Member, Provincial Council

Caribbean Association of Nova Scotia
- James François, President

Chinese Society of Nova Scotia
- Kim Tee, President

East Preston Ratepayers' Association
- Matthew Thomas, Chairman

Education Committee of North Preston
- Evangeline Grant

Indo-Canadian Association of Nova Scotia
- J. J. Mangalam, Past President and Member of the Executive Committee

KWACHA Playhouse
- Joan Jones, President
- Walter Borden, Artistic Director

National Association of Canadians of Origins in India, (NACOI), Atlantic Provinces
- Mukhtar Sidhu, President

North Preston Demonstration Housing Fund
- Noreen Smith, Manager

North Preston Ratepayers' Association
- Julia David, Secretary
- Viola Cain, Assistant Secretary

PUSH for Black Employment
- John (Woody) Tolliver

Real Opportunities for Prisoner Employment (ROPE)
- Burnley (Rocky) Jones, Coordinator

Vaillancourt, Karen

Watershed Association Development Enterprise Outreach Program
- Mary R. Smith, Outreach Coordinator
- Althea Tolliver, Community Development Worker

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Nova Scotia Human Rights Commission
- D. A. McKay, Chairman
- G. F. McCurdy, Executive Director

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Employment and Immigration Canada
- Mike Keyes, Regional Manager, Special Client Needs
- Jim MacNeil, Manager, Sydney CEIC
- Carol Martin, Native Women's Employment Coordinator for Nova Scotia

## Charlottetown — September 27 and 28, 1983

Canadian Congress for Learning Opportunities for Women (CCLOW)
- Heather Orford, P.E.I. Director

- Carol Connick, Member

Canadian Research Institute for the Advancement of Women (CRIAW)
- J. Estelle Redin, Board Member

National Association of Women and the Law
- Daphne Dumont
- Beverly Mills Stepson

Prince Edward Island Advisory Council on the Status of Women
- Dolores Crane, Chairperson

Women's Employment Development Program
- Dorothy Morris, Coordinator

Women's Network Inc.
- Heather Irving, President

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Native Council of Prince Edward Island
- Marcia MacLeod, President
- Mary Moore, Vice-President

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Canadian Association for the Mentally Retarded
- Glen Hughes, Provincial President

Canadian National Institute for the Blind
- Philip Bower, District Administrator, P.E.I.
- Kim McGuigan, Public Relations Officer

Canadian Paraplegic Association
- Susan Buchanan, Project Manager
- Gladys Kirkhan

Multiple Sclerosis Society of Prince Edward Island
- Merrill Flynn, President

Prince Edward Island Council of the Disabled Inc.
- Charles MacInnis, President
- Anne MacDonald, Acting Executive Director
- Tony Dolan, Managing Consultant
- Sally Cole, Employment Counsellor, P.E.I. Outreach

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Indo-Canadian Association
- Jacob Mal, President

Muslim Society of P.E.I.
- Najmul Chishti, President

Women's Immigrant Group of Prince Edward Island
- A. Sifa Rahman, Researcher

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Prince Edward Island Human Rights Commission
- Thomas Klewin, Executive Director

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Employment and Immigration Canada
- J. S. Baird, Chief, Special Services

## St. John's — October 3, 1983

Community Services Council of Newfoundland and Labrador
- Penelope Rowe, Executive Director

Corner Brook Status of Women Council, Women's Centre
- Marilee Pittman, Coordinator

Newfoundland and Labrador Women's Institute
- Jane Robinson, Executive Administrator

Newfoundland Status of Women Council
- Beth Lacey, Coordinator
- Annette Clarke, Coordinator
- Barbara Doran, Member

Provincial Advisory Council on the Status of Women
- Ann Bell, President
- Dorothy Robbins, Administrator
- Nancy Riche, Member

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Conne River Indian Band
- Jerry Wetzel, Band Administrator

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Canadian Association for the Mentally Retarded, Newfoundland and Labrador Division
- John Delaney, Executive Director

Canadian Mental Health Association, Newfoundland Division
- William J. Kennedy, President
- Mary Martin Rowe, Executive Director

Canadian National Institute for the Blind
- Carl Sullivan, Employment Counsellor

Canadian Paraplegic Association
- Allister Rose, Executive Director
- Fabian Philpott, Employment Counsellor

Consumer Organization of Disabled People of Newfoundland and Labrador
- David Hounsell, Research Officer

Escasoni Place Ltd.
- Mary Reid, Program Coordinator

Newfoundland Coordinating Council on Deafness
- Lawrence Cashin, President
- Charles Harkins, Secretary
- Myles Murphy, Office Manager
- David Still, Project Coordinator

The HUB
- Doug Vicars, Executive Director
- Anne Gillis, Employment Officer

Work Oriented Rehab Centre
- Helen King, Manager

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Association for New Canadians
- Françoise Enguehard

Filipino Association of Newfoundland and Labrador
- Romulo Magsino, Adviser

Korean Association of Newfoundland and Labrador
- D. Kim, President
- B. Kim, Adviser

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Newfoundland Human Rights Commission
- Fred Coates, Executive Director
- Gladys Courage, Human Rights Officer

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Newfoundland Department of Labour and Manpower
- Lee Ann L. Montgomery, Women's Employment Consultant

Newfoundland Department of Social Services
- Jerome Quinlan, Director

Newfoundland Public Service Commission
- Alison Earle, Assistant Director, Recruitment

Secretary of State
- Jennifer Soper, Social Development Officer

## Fredericton — October 4 and 5, 1983

New Brunswick Advisory Council on the Status of Women
- Anne Crocker, Member

New Brunswick Native Indian Women's Council
- Alma Brooks, President

Pro Feminae
- Marie Patrick, Project Worker

Professional Secretaries International
- Linda Furlought, Member, International Committee on Public and World Affairs

Saint John Council of Women
- Leah Gardner, President

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New Brunswick Association of Métis and Non-Status Aboriginal Women
- Georgina McKinney, President
- Mary Louise Ring, Secretary-Treasurer
- Cindy Gaffney, Liaison Officer

New Brunswick Association of Métis and Non-Status Indians (NBAMNSI)
- Gary Gould, President
- Shawn McKinney, Vice-President
- Philip D. Fraser, Vice-President

N.B. Native Indian Women's Council
- Alice Horsnell, Native Employment Counsellor

Union of New Brunswick Indians
- Charles Paul, Director of Employment Training
- Ronald Perley, Director of Economic Development

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Canadian Mental Health Association
- Ken Ross, Executive Director

Canadian Paraplegic Association
- Bev Hallam, Executive Director
- Maureen Borland, Employment Coordinator
- Karl Falkjar, Employment Counsellor

Canadian Rehabilitation Council for the Disabled (CRCD)
- June E. Hooper, Executive Director

Centres Offering Independent Lifestyles Incorporated
- Don Shea, Vice-President

Key Industries
- Helen Berry, Employment Counsellor, Key Outreach Program

Kidney Foundation of Canada, New Brunswick Branch
- Shirley MacBeth, Executive Director

Multiple Sclerosis Society of Canada, Atlantic Division
- Clair Smith, Executive Director

New Brunswick Amputee Association
- Gordon G. Burden, Executive Secretary

Premier's Council on the Status of Disabled Persons
- Randy Dickinson, Executive Director

Saint John Hearing Society
- Keith MacManus, Employment Counsellor

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Association of Indo-Canadians Inc.
- Arun Datta, President
- G. Saini, Vice-President

Chinese Cultural Society
- Robert Cheung, President

Multicultural Association of Fredericton
- Sava D. Bosnitch, Chairman, Public Policy Committee
- Ibrahim Ghanem, Member

New Brunswick Association for the Advancement of Coloured People
- Frederick Hodges, Treasurer

New Brunswick Multicultural Council
- Constantine Passaris, President

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New Brunswick Human Rights Commission
- Noel A. Kinsella, Chairman
- Michael O'Brien, Executive Director

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Cabinet Secretariat, Government of New Brunswick
- Ellen King, Assistant Deputy Minister, Status of Women Issues
- Dan Horsman, Coordinator, Native Indian Affairs

Employment and Immigration Canada
- Zeynep Karman, Women's Employment Coordinator
- Paula Wilson, Women's Employment Counsellor
- Nancy MacGarvie, Institutional Training Consultant
- Debbie Hind, Administrative Services Officer

New Brunswick Department of Labour and Human Resources
- Janet Cullinan, Women's Employment Policy Coordinator

Treasury Board, Government of New Brunswick
- Madeleine Trenouth, Acting Coordinator, EEO Program

## Regina — October 6 and 7, 1983

Contemporary Women's Program
- Christine French, Director

National Congress of Black Women in Canada
- Fleurette Osborne, President

Saskatchewan Action Committee on the Status of Women
- Palma Anderson, President
- Arlene Franko, Coordinator

Saskatchewan Advisory Council on the Status of Women
- Barbara Makeechak, Chairperson

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Association of Métis and Non-Status Indians of Saskatchewan
- Dona Desmarais, Program Liaison Officer

Gabriel Dumont Institute of Native Studies and Applied Research
  - Timothy Pyrch, Assistant Director

Native Employment Centre
  - Ray Hamilton, Director
  - Diane Zoell, Employment Counsellor
  - Rena Sinclair, Employment Counsellor
  - Ivan Fluery, Employment Counsellor

Saskatchewan Indian Federated College
  - Sharon Carrier, Director of Student Services

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Canadian National Institute for the Blind
  - J. Claude Gauthier, Executive Director
  - Harold Grace, Coordinator of Client Services
  - Doug Kenney, Employment Counsellor
  - Alice King, Recording Secretary

Disabled Persons Employment Service
  - Myron Gulka-Tiechko, Manager
  - Terry Foulds, Employment Facilitator

Multiple Sclerosis Society of Canada
  - Wendy McDermid, Executive Director, Saskatchewan Division

Saskatchewan Voice of the Handicapped
  - Pat Danforth, Coordinator

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India Canada Association of Saskatchewan
  - Krishan C. Kapila, President
  - Vipin Prasad, Patron

Multicultural Council of Saskatchewan
  - Terry Mountjoy, Executive Director

Saskatchewan Caribbean-Canadian Association
  - Bob Richards, Member

Saskatchewan Chinese Cultural Society
  - George F. Yong, Secretary

Third World Ethno-Cultural Committee (TWECC)
  - H. N. Gupta, Adviser

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Saskatchewan Human Rights Commission
  - Ronald Kruzeniski, Chief Commissioner
  - William Gilby, Commissioner
  - Kayla Hock, Commissioner
  - Helen Hnatyshyn, Commissioner
  - Shelagh Day, Director
  - Martin Schreiter, Assistant Director
  - William Rafoss, Acting Director of Education

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Employment and Immigration Canada
  - Neil Gavigan, Affirmative Action Consultant, Saskatchewan Division

Public Service Commission of Saskatchewan
  - Mary Beth Bickley, Director, Affirmative Action Unit

Saskatchewan Department of Advanced Education and Manpower
  - Irene Walter, Personnel Administrator, Women's Services Branch

## Saskatoon — October 11 and 12, 1983

Canadian Congress for Learning Opportunities for Women (CCLOW)
- Gwenna Moss

Canadian Research Institute for the Advancement of Women (CRIAW)
- Gerry McPherson, Board Member

Canadian Women and Religion
- Kathleen Storrie, Director

National Council of Women of Canada
- Margaret Harris, President

Saskatchewan Tradeswomen
- Pam Hanna, Member

Saskatoon Business and Professional Women's Club
- D. Lynn Shyluk, President
- Darlene Kabatoff, Federation Promotion

Saskatoon Native Women's Association
- Emily Guest, President

Saskatoon Women's Network
- Gwenna Moss

Working for Women of Saskatoon, Inc.
- Charlotte Rochon, Project Coordinator

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Federation of Saskatchewan Indian Nations, Indian Governments of Saskatchewan
- Chief Sol Sanderson
- Carole Sanderson, Education Consultant

Saskatchewan Indian Federated College
- Del Anaquod, President

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Meadmore, Marion Ironquil, Barrister and Solicitor

Métis National Council
- Ron Rivard, Chief Administrative Officer

Native Courtworker Services of Saskatchewan
- Iris Bear, Regional Director, Prince Albert
- Rhoda Tailfeathers, Regional Director, North Battleford

NorSask Native Outreach
- Allan Morin, Executive Director
- Larry Gauthier, Coordinator

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Canadian Paraplegic Association
- Stephen Little, Executive Director

Saskatchewan Association for the Mentally Retarded
- Charles Fox, Executive Director
- Joan Blanchette, Manpower Training Coordinator

Saskatchewan Co-ordinating Council on Social Planning
- Eunice Halen, Administrative Officer
- Herb Essenburg, Member

Voice of the Handicapped, Saskatoon Chapter
- Chuck Cutting, Office Coordinator

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Black Cultural Association of Saskatchewan Inc., The
- Jonathan Sealy, President
- Wellington Phillips, Vice-President
- Rose John, Secretary

Saskatoon Multicultural Council, Inc.
- Avra Watson, President

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Amok Ltd.
- Doug Willy, Personnel Officer

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Native Law Centre, University of Saskatchewan
- Norman K. Zlotkin, Research Director

Saskatchewan Human Rights Commission
- Kayla Hock, Commissioner
- Helen Hnatyshyn, Commissioner

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Saskatchewan Department of Advanced Education and Manpower, Native Services Branch
- Paul Wilkinson, Training Consultant and Supervisor
- Hilda Harper, Training Consultant

## Winnipeg — October 13, 1983

Manitoba Action Committee on the Status of Women, The
- Valerie Green, Executive Member and Co-chairperson of the Winnipeg Interdepartmental Committee on Equal Opportunities for Women

Manitoba Advisory Council on the Status of Women
- Pauline Russell, Council Member

National Council of Women of Canada
- Beverley Goodwin, Past President

Native Women's Society of Winnipeg Inc.
- Theresa Courchene, Chairperson

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Indian and Métis Friendship Centre of Winnipeg Inc.
- Lena Friesen, Executive Director

Manitoba Métis Federation Inc.
- Maureen McMillan, Executive Director
- Stella Alix, Vice-President
- Angus Spence, Vice-President

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Canadian Council of Rehabilitation Workshops
- Donna Zdriluk, Executive Director

Canadian Mental Health Association
- Robert Martin, Chairman, Policy Committee

Coalition of Provincial Organizations of the Handicapped (COPOH)
- Alan Simpson, Past Chairman
- April D'Aubin, Research Analyst

E-Quality Employment, Inc.
- Frank Rogodzinski, Coordinator
- Jackie Pimlott, Administrative Assistant

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Cantiveros, Rod, Editor/Publisher, *New Silangan*

Caribbean-Canadian Association of Winnipeg, Inc.
- Matthew Jones, Treasurer

National Black Coalition of Canada
- Agnes Calliste, President, Winnipeg Chapter

United Council of Filipino Association in Canada
- Rey Pagtakhan, National Chairman
- Greg Sevillo

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Manitoba Human Rights Commission
- Dale Gibson, Chairperson

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Employment and Immigration Canada
- Pamela Valiquette, Native Women's Employment Coordinator
- Monika Feist, Women's Employment Coordinator

Human Development Centre
- Beverly Suek, Director

Manitoba Department of Labour
- Brian Dagdick, Coordinator of Affirmative Action, Executive Branch
- Shirley Bradshaw, Director, Women's Bureau

Manitoba Intercultural Council
- Michael Goeres, Executive Secretary

Public Service Commission of Canada
- Chris Lane, Regional Coordinator, Equal Opportunities for Women
- Derek Legge, Coordinator of Services to Handicapped Persons

## Edmonton — October 16 and 17, 1983

Alberta Status of Women Action Committee
- Janet Maher, President
- Marilyn Assheton-Smith, Board Member

Alberta Women's Bureau
- Jenny Margetts, President
- E. Phyllis Ellis, President

Black Women's Association of Alberta
- Reva Russell, Member
- Phyllis Johnson, Member

Indian Rights for Indian Women, Alberta Committee
- Nellie Carlson, Treasurer
- Catherine Shirt, Board Member

National Household Careers Corporation
- Juanita Chambers, Past President
- Bernadette Swan, Executive Director

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Alberta Federation of Métis Settlements Association
- Muriel Stanley-Venne

Indian Association of Alberta
- Wilf McDougall, President
- Pat Anderson, Executive Assistant to the President

Métis Association of Alberta
- Ernest Howse, Board Member and Treasurer

Native Counselling Services of Alberta
- Chester Cunningham, Executive Director

Native Outreach Association of Alberta
- George Arcand, Chief Executive Officer

Native Women Pre-Employment Training Association
- Mabel Angelstad, Program Manager

Nechi Institute on Alcohol and Drug Education
- Esther Giroux, Trainer
- Wendy Fagin, Executive Assistant

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Alberta Committee of Consumer Groups of Disabled Persons
- Nancy Krushelnicki, Managing Director
- Len Seaby, Coordinator of Region Action Group of Edmonton

Alberta Handicapped Communications Society
- Robert Trautman, Vice-Chairman of the Board
- Bonnie Reynolds, Executive Director
- Pat Ryley, Project Manager, Advice Project

Alberta Rehabilitation Council for the Disabled
- Bob Metcalfe, Program Director

Distinctive Employment Counselling Services of Alberta
- Ian Ross, Executive Director

Employment Development Services of Edmonton
- Grant Wrightson, Executive Director

Employment Services for the Physically Disabled (Edmonton)
- Edna Coffin, Vocational Rehabilitation Consultant I

*Spokesman* Magazine
- Darce McLennan, Artistic Director

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Chinese Canadian National Council, Edmonton Chapter
- Daisy Chang, President
- Li-Fan Chen, Vice-President

Edmonton Immigrant Services Association
- David Bai, Chairperson of the Board
- Jeanne Hurd, Executive Director

Edmonton Korean Association
- Hyung-Kwon Kang, President

Edmonton Mennonite Society for the Assistance of Newcomers
- David Hubert, Vice-Chairman of the Board

National Black Coalition of Canada, Edmonton Chapter
- Kingsley Gilliam, President
- Elaine Hines, Secretary
- Trevor Hills, Executive Member
- Hugh McDavid, Editor, *The Communicant*

Pakistan Association of Edmonton
- Mohammed A. Ghani, President
- Syed M. Mohiuddin, General Secretary

Race Relations Council of Edmonton
- Gordon Hum, President
- Enneke Lorberg, Vice-President
- Nao Fernando, 2nd Vice-President

University of Alberta, Department of Anthropology
- Donna Patterson, Research Assistant

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Alberta Human Rights Commission
- Cheryl Wowk, Commissioner

- Jack Tutty, Executive Director

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Alberta Culture, Cultural Heritage Branch
- W. Roman Petryshyn, Assistant Director

Alberta Native Affairs, Native Secretariat
- H. W. Thiessen, Managing Director
- Ron Harrison, Director, Field Services

## Yellowknife — October 18, 1983

Canadian Advisory Council on the Status of Women
- Ann Enge, N.W.T. Representative

Native Women's Association of the N.W.T.
- Gail Cyr, Training Coordinator

Northern Women's Coalition
- Rosemary Cairns, Chairperson
- Jean Wallace, Member

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Committee for Original People's Entitlement (COPE)
- Nellie Cournoyea, Negotiator

Dene Nation, The
- Steve Kakfwi, President

Métis Association of the N.W.T.
- Wally Firth, President

Native Courtworkers' Association
- Maurice Evans, Executive Director

Tree of Peace Friendship Centre
- Mary Anne Duchesne, Outreach Officer

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N.W.T. Association for Children and Adults with Learning Disabilities
- Robert O'Rourke, Director
- Patrick Moores, Treasurer

N.W.T. Council for Disabled Persons
- Beverly Speight, President
- Ben McDonald, Vice-President
- Barb MacDonald, Resource Coordinator

N.W.T. Mental Health Association
- Garth Malakoe, President of the Board
- Andrew Langford, Chairman, Professional Advisory Committee
- Horace Crozier, Board Member

Yellowknife Association for the Mentally Retarded
- Ethel MacPherson, Vice-President
- David Matthews, Board Member
- Joyce Williams, Executive Director

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Braden, The Honourable George, Minister of Justice and Minister responsible for the Status of Women, Government of the Northwest Territories

N.W.T. Department of Health
- Elaine Berthelet, Chief, Programs and Standards

N.W.T. Department of Justice and Legal Services
- Eric Smith, Head, Labour and Services

N.W.T. Department of Personnel
- Derek Aindow, Chief, Staff Relations
- Donna Laing, Labour Relations Officer

N.W.T. Department of Social Services
- Bronwyn Watters, Chief, Social Service Programs

N.W.T. Office of Native Employment
- Elsie Casaway, Coordinator

## Calgary — October 19 and 20, 1983

Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)
- Maureen Thomas, President, Calgary Chapter
- Linda Kupecek, Calgary Branch Representative, ACTRA Performers Council

Calgary Association of Women and the Law
- Yvonne Chenier, President

Calgary Status of Women Action Committee
- Lynn Fraser
- Cheryl Kehoe

Mahoney, Kathleen, Associate Professor, Faculty of Law, University of Calgary

President's Advisory Committee on the Status of Women, University of Calgary
- Barbara Nathan-Marcus, Member

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Blood Tribe Administration
- Leonard Oldshoes, Native Coordinator for the Native Outreach

Calgary Native Friendship Society Inc.
- Eardley Lindsey, Executive Director

Native Outreach Association of Alberta
- Al Rydant, Public Relations
- Brenda Maracle, Job Counsellor

Native Students' Services, University of Calgary
- Francine Whiteduck, Staff Member, Project for Native Business Management Education

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Alberta Rehabilitation Council for the Disabled
- Shane Wray, South Regional Administrator

Calgary Action Group of the Disabled
- Joe Van Raamt, Director
- Terry Paden, Coordinator
- Vicky Bridges, Member

Calgary Association for the Mentally Handicapped
- Jonas Fornwald, Executive Director

Calgary Community Horizons '84 Society
- Susan Matsumoto, Executive Director

Cerebral Palsy Association of Alberta
- Mark Durieux, Provincial Coordinator

Creative Employment Services
- John Da Silva-Spence, Project Coordinator

Entrance Society of Calgary
- Nancy Marlett, Board Member

Rehabilitation Society of Calgary
- Shane Hanna, Senior Placement Specialist, Employment Preparation Centre

Vocational and Rehabilitation Research Institute
- Susanna Koczkur, Coordinator of Placement and Follow-up

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Calgary Immigrant Aid Society
- Yvette Knott, Executive Director

Calgary Vietnamese Canadian Association
- Quang Vu Huu, Board Member in Charge of Public Affairs

Chinese Canadian National Council, Calgary Chapter
- Jose Khu, President and Director
- Malcolm Chow, Director and Legal Adviser

India Canada Association of Calgary
- R. S. Dhaliwal, President
- C. Solanki, Member

Pakistan Canada Association
- Aziz Rahman, President

Sikh Society of Calgary
- I. S. Rattan, Member

United Calgary Chinese Association
- Douglas Tims, President

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Alberta Department of Social Services and Community Health
- Dermot Baldwin, Vocational Consultant

Alberta Employment Opportunities Program
- Don Pearse, Community Relations Consultant

## Vancouver — October 26, 27 and 29, 1983

Society for Canadian Women in Science and Technology
- Constance E. Dwyer, President
- Penny Lecouteur, Vice-President
- Edith Camm, Committee for Academic Employment

U.B.C. Centre for Continuing Education, Women in Management and Career Development Programs
- Janet Fraser, Director

Vancouver Status of Women
- Pat Feindel
- Susan O'Donnell

Vancouver Women in Trades Association
- Joan Blair, Administrator
- Heather Watt

Women Against the Budget
- Frances Wasserlein
- Sara Diamond

Women's Research Centre
- Jan Barnsley, Coordinator

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Federation of Saskatchewan Indian Nations, Indian Governments of Saskatchewan
- Chief Sol Sanderson

- Elsie Roberts, Clerk of the Executive Council
- Carole Sanderson, Education Consultant

Indian and Northern Affairs Canada

- Owen Anderson, Regional Director General

Sinco Developments Ltd.

- J. Pat Woods, General Manager

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George, Gloria
Ginger, Randy
John, Carolyn
Métis National Council

- Fred Storey, Member, Constitutional Work Group

Montreal Lake Indian Band

- Chief Roy Bird

Native Brotherhood of British Columbia

- Art Jackson, Field Counsellor

United Native Nations

- Bill Lightbown, President
- George Campo, Vice-President

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B.C. Coalition of the Disabled

- Jill Weiss, Chairperson
- Thomas Patch, Member

Black, William, Associate Professor, Faculty of Law, University of British Columbia
British Columbians for Mentally Handicapped People

- Stephen Beagle, Chairperson, Vocational Services Committee
- Robert Nickerson, Legal Objectives Worker

Greater Vancouver Association of the Deaf

- Henry Vlug, President

Jensen, Hanne
Thiele, Paul E., Librarian and Head, Crane Memorial Library, University of British Columbia
Vancouver Mental Patients Association Society

- Kwenu Turkson, Office Coordinator

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B.C. Organization to Fight Racism

- Chin Banerjee, Vice-President

Black Solidarity Association

- George Jolly, Past President

Chinese Benevolent Association of Vancouver

- Ray D. Louie, President

Committee for Racial Justice, The

- Aziz Khaki, President

Federation of Sikh Societies of Canada

- Pritam Singh Avlakh, Vice-President, B.C. Chapter
- T. S. Bains, Founding Member

National Association of Japanese Canadians

- Gordon Kadota, President

Strathcona Manpower Outreach Project

- Hayne Wai, Chairperson, Advisory Board Project
- Annie Choy, Employment Counsellor

United Chinese Community Enrichment Services Society (SUCCESS)

- Rowena Au, Board Member

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B.C. Federation of Labour
- Astrid Davidson, Director, Women's Programs
- Joy Langan, Coordinator, Unemployment Action Centre

Equal Pay Information Committee of Vancouver
- Sharon Saunders, Member
- Marion Pollack, Member

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Michael Walker, Director, Fraser Institute

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Canadian Human Rights Commission
- Reginald Newkirk, Regional Director

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B.C. Ministry of Labour, Women's Office
- Jule Morrow, Director
- Susan Francis, Public Information Officer

Employment and Immigration Canada
- Vi Gellenbeck, Coordinator, Native Employment, Development Branch
- Valerie Ward, Employment Counselling Consultant - Women

Indian and Northern Affairs Canada
- Douglas MacKay, Director of Personnel Services

Secretary of State
- Carole Anne Soong, Social Development Officer

## Victoria — October 27 and 28, 1983

Bavelas, Janet, Associate Professor and Acting Dean, Graduate Studies, Psychology Department, University of Victoria
Brodsky, Gwen, Barrister and Solicitor
Brown, Cleta, Law Students Association, University of Victoria
Dobell, Marnie
Fraser, Anne, Academic Assistant, Division of University Extension, University of Victoria
Limbrick, Elaine, Associate Professor, French Department, and Acting Dean of Humanities, Arts and Science, University of Victoria
Lord, Stella, Status of Women Action Group
Lund, Brishkai, Program Coordinator, Arts and Science Extension Department, University of Victoria
Maloney, Maureen, Assistant Professor, Faculty of Law, University of Victoria
McCallum, Sandra, Associate Professor, Faculty of Law, University of Victoria
McLean, Elizabeth, Director, Women's Policy Planning and Analysis, B.C. Ministry of Labour
Mitchell, Marjorie, Instructor, Department of Social Science, Camosun College
Murray, Pamela, Barrister and Solicitor
Rooke, Constance, Associate Professor, Department of English, University of Victoria
Ruebsaat, Gisela, National Representative, National Association of Women in Law
Senese, Phyllis, Assistant Professor, Department of History, University of Toronto
St. Peter, Christine, Instructor, Women's Studies Program, University of Victoria
Thomson, Joan, Personnel Officer, University of Victoria

Tsurumi, E. Patricia, Associate Professor, Department of History, University of Victoria

Watton, Beth, Administrative Officer and Instructor, Mathematics Department, University of Victoria

Woon, Yuen-Fong, Assistant Professor, Centre for Pacific and Oriental Studies, University of Victoria

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First Nations of South Island Tribal Council
- Gus Underwood, Economic Development Adviser

Nuu Cha-Nulth Tribal Council
- George Watts, Chairman

Professional Native Women's Association
- Ardyth Cooper, Vice-President

Tillicum Haus
- Grace Nielsen, Social Worker

Tsartlip Band Council and Administration
- David Paul, Band Manager

United Native Nations, Victoria Local 121
- Bob Warren, President
- Marie Underwood, Secretary of Board of Directors
- Bob Nye, Board Member
- Alex Underwood, Member
- Marilyn Crossley, Member
- Emil Simon, Outreach Worker
- Bernice Ringham, Outreach Volunteer Worker

Victoria Native Friendship Centre
- David Seymour, President

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Austin, Helen

Physically Handicapped Action Committee Society (HAC)
- Derrell Flett, Manager

McLeod, Hugh

Vickers, David, Barrister and Solicitor

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Central Vancouver Island Multicultural Society
- JoAnne Blackman, Coordinator
- Vilma Dubé, Member

Inter-Cultural Association of Greater Victoria
- Hilary White, Coordinator, Inter-Cultural Relations Program
- Terrence MacNamee, Researcher

Vancouver Island Human Rights Coalition Society
- Michiko Lambertson, President

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Government of British Columbia
- Isabel Kelly, Deputy Minister of Women's Programs and Acting Deputy Minister of Labour

Public Service Commission of British Columbia
- Doug Wilson, Consultant, Personal Placement Program

## Whitehorse — October 30 and 31, 1983

**Canadian Congress for Learning Opportunities for Women (CCLOW)**
- **Pam Evans, Yukon/NWT Director, National Executive**

- Canadian Research Institute for the Advancement of Women
  - Audrey McLaughlin, Yukon Board Member
- Floyd, Donna
- Spitzer, Eloise
- Victoria Faulkner Women's Centre
  - Mary Martin, Coordinator
- Yukon Federation of Labour
  - Sibyl Frei, President
- Yukon Indian Women's Association
  - Bobbi Smith, President
- Yukon Status of Women Council
  - Sande Copeland
  - Sharon Hounsell
  - Sylvia Neschokat
- Yukon Territorial Public Service Association
  - Pam Evans, Chief Shop Steward

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- Carcross/Tagish Indian Band Council
  - Chief Anne Wally
- Champagne/Aishihik Indian Band Council
  - Chief Paul Birckel
- Council for Yukon Indians
  - Rose-Marie Blair-Smith, Vice-Chairman, Finance and Administration
  - Ray Jackson, Vice-Chairman, Social Programs
- Native Courtworkers' Society
  - Jeffrey Choy-Hee, Executive Director
- Skookum Jim Friendship Centre
  - Dorothy Thorsen, Referral Officer
  - Eric Morris, Assistant Executive Director
- Yukon Indian Arts and Crafts Co-operative Limited
  - Cliff Geddes, President
  - Tony Gonda, General Manager

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- Headway House Group Home
  - Ernest St. Pierre, Executive Director
- Yukon Association for Children and Adults with Learning Disabilities/Yukon Association for Special Needs People
  - Donna Floyd, Executive Director
- Yukon Rehabilitation Centre
  - Judith Hayes, Executive Director
  - Kathy Maskell, Counsellor

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- Joe, Margaret, MLA, Government of Yukon Territory
- Pearson, The Honourable C.W., Government Leader, Government of Yukon Territory
- Philipsen, The Honourable Andrew, Minister of Health and Human Resources, Government of Yukon Territory
- Yukon Department of Consumer and Corporate Affairs
  - David Dornian, Labour Service Officer
  - Noreen McGowan, Labour Service Officer
- Yukon Department of Economic Development
  - John Ferbey, Deputy Minister

Yukon Department of Health and Human Resources
- William Klassen, Deputy Minister

Yukon Department of Justice
- Shelagh Rea, Coordinator, Women's Bureau

Yukon Executive Council Office
- Doug Spray, Deputy Minister

## Toronto — November 11, 1983

National Action Committee on the Status of Women
- Doris Anderson, President
- Jennifer Keck, Member, Executive Committee

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Canadian Manufacturers' Association:

Canadian Manufacturers' Association
- Peter Doyle, Director, Industrial Relations

C-I-L Inc.
- Robert Gallivan, Senior Consultant

Ford Motor Company of Canada Limited
- R.A.P. Rideout, Personnel and Organization Manager
- David A. McLachlan, Union Relations Manager

General Foods Inc.
- Caroline Walda, Vice-President, Human Resources

IBM Canada Ltd.
- Thomas McNulty, Vice-President, Personnel

Imperial Oil Limited
- Maureen Donlevy, Corporate Organization Effectiveness Consultant
- William J.C. Mann, Manager, Employee Relations Department

Westinghouse Canada Inc.
- James Rankin, Manager, Organization Development

## Toronto — November 14, 1983

Armour, Moira, Executive Member, National Action Committee on the Status of Women and the Feminist Party of Canada

Canadian Association of Women Business Owners
- Susan Cooke, Founder and President

Canadian Congress for Learning Opportunities for Women (CCLOW)
- Audrey Swail, Treasurer and Executive Member
- Diana Ironside, Executive Member

Canadian Federation of University Women
- Shirley Sims, Past President, North Toronto
- Doreen Quirk, Member Legislation Committee, Ontario Council

Congress of Canadian Women, The
- Kerry McCuaig, Corresponding Secretary

Cornish, Mary, Barrister and Solicitor

Dranoff, Linda Silver, Barrister and Solicitor

Dunbar, Mary F., Barrister and Solicitor

Equal Pay Coalition
- Laurell Ritchie, Member of Steering Committee

Federation of Women Teachers' Associations of Ontario
- Susan Hildreth, President

Geller, Carol
King, Lynn, Barrister and Solicitor
Lane, Marion, Barrister and Solicitor
Mather, Myrna, Women's Liaison Committee, Toronto Board of Education
National Action Committee on the Status of Women
- Chaviva Hosek, Vice-President

Ontario Committee on the Status of Women
- Lee Grills, Member, Steering Committee

Organized Working Women
- Holly Kirkconnell, President

Réaume, Denise, Assistant Professor, Faculty of Law, University of Toronto
Sachs, Harriet, Barrister and Solicitor
Stuckey, Johanna, Professor, Department of Humanities and Adviser to the President on the Status of Women, Founder's College, York University
Swinton, Katherine, Associate Professor, Faculty of Law, University of Toronto
Symes, Beth, Barrister and Solicitor
Times Change Women's Employment Service
- Josephine Saxby Lee

Wilkinson, Shelagh, Founding Editor, *Canadian Women's Studies*
Young Women's Christian Association of Canada
- Louise Brown, National Board Member
- Janice May, Social Action Consultant

Young Women's Christian Association of Metropolitan Toronto
- Mary Pat Moore, Vice-President
- Jean Emond, Member, Social Action Committee

## Montreal — November 15 and 16, 1983

Association féminine d'éducation et d'action sociale (AFEAS)
- Gisele Rochelau, Member, Provincial Executive Council
- Lise Houle, Public Relations Officer

Au bas de l'échelle
- Liza Novak

Comité de la condition féminine de la C.S.N.
- Lesley Lee, President

Comité de la condition féminine de la F.T.Q., Conseil Provincial C.P.U.E.C.
- Louisette Hindon

Ligue des Femmes
- Christina Sato

Montreal Association of Women and the Law
- Susan Altshul
- Alix Parlour

National Congress of Black Women
- Maryse Alcindor-Jeanty

Syndicat des travailleurs en communication de Canada (STCC)
- Michéle Brouillette, Union Representative

Young Women's Christian Association
- Lise Moisan
- Carmen Gibbs
- Pauline Brassard

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Algonquin Council of Western Quebec
- Roger Brindamour, Administrative Director

Grand Council of the Crees
- Bill Grodinsky, Legal Counsel

Mohawk Council of Kahnawake
- Myrtle Bush, Elected Chief

Native Friendship Centre of Montreal
- Ida Williams, Assistant Director

Quebec Indian Rights for Indian Women
- Mary Two Axe, President
- Josie Cowan

Quebec Native Women's Association
- Michele Rouleau, Provincial Coordinator

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Kativik Regional Government
- Marc Voinson, Coordinator
- Jimmy Johanness, Development Agent

Kativik School Board
- Jimmy Mark, Adult Education Coordinator
- Jim DeLaurier, Assistant Coordinator

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Association des paraplégiques de Québec
- Gaétan Bourgoin, Director General
- René Massé, Placement Counsellor

Epilepsy Canada
- Jennifer Brunet, National Coordinator

Etape, L'
- Maurice Dubeau, Labour Counsellor
- Gilles Boisclair, Coordinator

Institut national Canadien pour les aveugles
- François Laflamme, Employment and Vocational Services
- John Avon, Director of Employment and Vocational Services

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Black Community Council of Quebec Inc.
- Momoh K. Tombo, Community Development Organizer

Bureau de la communauté chrétienne des Haitiens de Montréal
- Paul Dejean, Director

Centre social d'aide aux immigrants
- Mathilde Marchand, Social Counsellor

Maison d'Haiti
- Marc Absalon, Information Officer

National Congress of Black Women
- Louise Warner, Member

Negro Community Centre
- Leah Hodge, Vice-President
- Maisie Dickerson-Dash, Board Member
- Lawrence Sitahal, Executive Director

Service d'aide aux néo-Québécois et immigrants (SANQI)
- Le Van Kim, President

## Quebec City — November 17, 1983

Centre international des femmes de Québec
- Françoise Preney, Director

Réseau d'action et d'information pour les femmes (RAIF)
- Marcelle Dolment, Coordinator
- Monique Beaulieu
- Michéle Aubin

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Centre d'amitié autochtone de Québec
- Jocelyne Gros-Louis, Executive Director

Conseil Attikamek-Montagnais
- Philo Desterres, Administrative Director

Institut educatif et culturel Attikamek-Montagnais
- Johanne Robertson, Director

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Association des travailleurs immigrants et québécois de Québec, L'
- Jin Bak Pyun, President
- Rita Thimoleon, Administrative Council

Association Haitienne, L'
- Rita Thimoleon, Counsellor

Communauté Lao à Québec
- S. Muongsouvanh, President
- P. Sianothai, 2nd Secretary

Confédération des associations linguistiques et culturelles de Québec (CALCQ)
- Linda Vallée, Secretary
- Paulette Viennet, Secretary

Fraternité multi-culturelle de Québec Inc.
- Carlos Nunes, President

Vietnamese Association
- Phu Trong

## Toronto — November 18, 1983

Bank of Montreal
- Robert L. Kraft, Senior Manager, Employment Relations

Bank of Nova Scotia
- W. J. Lomax, Senior Vice-President, Personnel

Canadian Bankers' Association
- Wendy Sangster, Personnel Affairs Adviser

Canadian Chamber of Commerce
- A. J. Bates, Chairman, Employee Relations Committee
- Diana Ferguson, Member, Employer-Employee Relations Committee

Canadian Federation of Independent Business
- Jason Mandlowitz, Ontario Provincial Affairs Officer

Canadian Organization of Small Business
- Geoffrey Hale, Vice-President, Policy and Government Relations

National Trust Company Limited
- Jury Kopach, Manager, Employment Services

Royal Trust Corporation of Canada
- Rick Lea, Manager, Personnel Planning

The Toronto Dominion Bank
- James A. Lawson, Manager, Employee Relations

The Retail Council of Canada:

Canadian Tire Corporation Limited
- Barbara Duffy, Employee Relations Manager

Loblaws Limited
- Roy R. Conliffe, Director, Industrial Relations
- Christine Mendes, Employment Manager

Retail Council of Canada
- Alasdair McKichan, President
- Gerald Doucet, Senior Vice-President

Shoppers Drug Mart
- Michael Humphries, Director, Employee Relations

Simpsons Limited
- Patricia A. Reid, Manager, Personnel Policies and Employee Relations

Simpsons-Sears Limited
- Ross Rigney, National Manager, Policies and Benefits
- Loretta T. Ubell, Assistant National Manager, Personnel Relations

## Toronto — November 21, 1983

Blind Organization of Ontario with Self-Help Tactics (BOOST)
- Richard Santos, President
- John Southern, Legislative Advocate
- Nicholas Bay, Community Outreach Worker and Counsellor

Canadian Association for the Mentally Retarded
- Kathleen Ruff, Human Rights Advocate
- Judy Snow, National Institute on Mental Retardation Associate

Canadian Cystic Fibrosis Foundation
- Cathleen Morrison, Executive Director
- Sue McKellar, Vice-President, Toronto Chapter

Canadian Hearing Society
- Iris Boshes, Coordinator of Rehabilitation and Social Services
- Gerard Kennedy, Vocational Rehabilitation Services Counsellor

Canadian Mental Health Association
- Charles Black, Mental Health in the Workplace Program

Canadian National Institute for the Blind (CNIB)
- Euclid Herie, Managing Director
- Frank Schmidt, Program Consultant
- Gerard Grace, Metro Regional Director

Canadian Paraplegic Association
- Michael Ryan, Managing Director, National Office
- Peter Bernauer, Research Librarian

Canadian Rehabilitation Council for the Disabled (CRCD)
- David White, Director, National Program Services

Central Neighbourhood House
- Lois Becker, Executive Director

Community Resources Consultants of Toronto
- Shelley Cainer, Vocational Rehabilitation Consultant

Frontier College
  - Jack Pearpoint, President
  - Wayne Tebb, National Program Director

Kellerman, John

Low Vision Association of Ontario
  - Bill Carroll, Executive Director
  - Robert Biggs, Secretary-Treasurer

Multiple Sclerosis Society of Canada
  - Beverly Brown, Director of Patient Services (National Division)

On Our Own: Ontario Patients' Self-Help Association
  - Susan Horley, Coordinator

Ontario Association for the Mentally Retarded
  - Harry Beatty, Legal Counsel

Ontario Federation for the Cerebral Palsied
  - Lyle Kersey, Projects Coordinator

Ontario March of Dimes
  - Andria Spindel, Executive Director
  - Alan Martin, Board Member

People United for Self-Help in Ontario
  - Steve McCahon, Chairman
  - Pat Israel, Board Member

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Canadian Council for Multi-Cultural and Inter-Cultural Education
  - Keith McLeod, President

Caribbean Outreach Program
  - Bev Folkes, Coordinator
  - Ajao Modibo, Program Worker

Chinese Canadian National Council
  - Rose Lee, Executive Director

Congress of Black Women of Canada (Metro Toronto Chapter)
  - Jean Augustine, Ontario Representative

Council of Jamaicans in Ontario, The
  - Bromley Armstrong, President

Cross Cultural Communication Centre
  - Mutale Chanda, Labour Studies Coordinator
  - Naldi Nomez, Committee Coordinator

Jamaican-Canadian Association
  - Rupert James, President
  - Nena Hohn, Coordinator
  - Carmen Jens, Recording Secretary

Japanese Canadian Citizens Association
  - Ritsuko Inouye, President

Members of Minority Elect
  - Jeffrey T. Solate, Planning Committee

North York Employment Service
  - Carl Cadogan, Employment Counsellor

Ontario Council of Agencies Serving Immigrants (OCASI)
  - Pearl Chud, Chairperson

Ontario Multicultural Association
  - Mohammed Qaadri, President

Urban Alliance on Race Relations
  - Carol Tator, President
  - Wilson Head, Board Member
  - Tim Rees, Editor of *Current*

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Canadian Centre for Occupational Health and Safety
- David Lampert, Staff Lawyer

Employment and Immigration Canada
- David White, Coordinator of Native Employment Services

Ontario Advisory Council on the Physically Handicapped
- Bill Murdock, Chairman, Employment Rehabilitation Committee

Ontario Hydro, Human Resources Branch
- S. K. Switzer, Policy and Program Adviser
- Donald Tyler, Director Staff Resources and Development Division
- James Mitchell, Personnel Officer

Ontario Ministry of Community and Social Services
- Barbara Nahwegahbow, Consultant, Native Affairs, Policy Services

## Toronto — November 25, 1983

Action Daycare
- Susan Colley, Coordinator
- Jane Bertrand, Board Member
- Sue Prentice, Coordinator of Community Development

Canadian Daycare Advocacy Association
- Larry Katz, Senior Research Officer
- R. Edwards

Centre for Urban and Community Studies, University of Toronto
- Martha Friendly, Coordinator, Daycare Resource and Research Unit

Day Care Coalition of Metropolitan Toronto
- Barbara Hansen

Task Force on Work-Related Daycare, City of Toronto
- Laurel Rothman, Coordinator of Workplace Daycare
- Jane Beach, Coordinator of Workplace Daycare

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Indian Social Services Council, Chiefs of Ontario
- Richard Powless, Policy Analyst

Native Canadian Centre of Toronto
- Donna Loft, Director of Counselling Services

Native Inter-Agency Council
- Jens Angaangaq Lyberth, Project Manager

Nishnawbe-Aski Nation, Grand Council Treaty #9
- Fred Plain, Special Adviser to the Grand Chief
- Heather Roff, Policy Analyst

Ontario Métis and Non-Status Indian Association
- Ed Charles, Board Member

Ontario Native Women's Association
- Donna Phillips, President
- Christi Bannon, Employment Coordinator

Six Nations Council
- Alton Vanevery, Counsellor

Thunder Bay Indian Youth Friendship Society
- Xavier Michon, Executive Director

Union of Ontario Indians
- Janice Bourdeau, Director, Social Services Program
- Catherine McGregor, Community Development Programs Officer

## Ottawa — November 29 and 30, 1983

Association of Professional Engineers of Ontario
- Polina Ball, Director

Canadian Advisory Council on the Status of Women
- Lucie Pepin, President
- Carol Zavitz, Research Officer

Canadian Association of Elizabeth Fry Societies
- Christie Jefferson, Executive Director

Canadian International Development Agency
- Elizabeth McAllister, Director, Women in Development

Canadian Nurses Association
- Glenna Rowsell, Work Life Affairs Manager

Canadian Research Institute for the Advancement of Women
- Judith Wouk, Ontario Representative, Board of Directors

Canadian Teachers' Federation
- Sylvia Gold, Director of Professional Development Services, Status of Women Program

Carleton School Board
- Pat Masters, Affirmative Action Coordinator, Equal Opportunities

Federal PC Women's Caucus of Ottawa
- Linda Elliott-Doshen, Director

Federated Women's Institutes of Canada
- Alice McLaggan, Executive Secretary

Fédération des femmes Canadiennes-françaises
- Madeleine Riordan, 1st Vice-President

Focus on Black Women
- Winnifred Coddett

Greenberg, Shirley, Barrister and Solicitor

National Council of Women of Canada
- May Nickson, Vice-President and Coordinator, Status of Women

Nixon, Mary-Anne, Barrister and Solicitor

Ottawa and Area Council of Women
- Anne Moxley, Legislation Chairman

Ottawa City Hall
- Bonnie Diamond, Director, Office of Equal Opportunity for Women

Ottawa Women's Lobby
- Wendy Lawrence
- Jane Côté

Women in Science & Engineering (WISE), Ottawa Chapter
- Polina Ball, Vice-President

University Women's Club of Ottawa
- Linda Elliott-Doshen, Chairperson, Status of Women Committee
- Helene Puccini, Legislative Chairperson
- Jill Clarke, Treasurer

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Committee for Original People's Entitlement (COPE)
- Bob DeLury, Chief Negotiator
- Pedro Van Meures, Consultant

Hayes, Brigid, Consultant

National Association of Friendship Centres
- Daniel Cooco, Executive Director

National Indian Brotherhood, Assembly of First Nations
- Alayne Bigwin, Adviser to the National Chiefs

Native Alliance of Quebec
- Fernand Chalifoux, President

Native Council of Canada
- Dwight Dorey, Vice-President

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Canadian Co-ordinating Council on Deafness
- Barbara Staflund, Executive Director
- Marie Briscoe, Member

Canadian Hard of Hearing Association
- Gordon MacDonald, 1st Vice-President

Canadian Hearing Society
- Betty Dion, Regional Director
- Joyce Martin, Board Member

Canadian Legal Advocacy, Information and Research Association of the Disabled (CLAIR)
- Penny McKinlay, Coordinator
- Herman Wierenga, Treasurer

Hard of Hearing Club of Ottawa
- Joe Connolly, President

Morton, Helen

Ottawa-Carleton Council of the Disabled, The
- Donna Brydges, President
- Patti Holmes, Coordinator

Rehabilitation Institute of Ottawa
- Kathleen Gottfried, Director of Housing
- Mary-Anne Van Gaal, Director of Services

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Canadian Federation of Vietnamese Associations
- C. D. Le, Commissioner for External Affairs

Canadian Multiculturalism Council
- Dorothy Wills, Member

Chinese Canadian National Council
- A. Louie, President, Ottawa Chapter

Council of Muslim Communities of Canada
- A. Sattar Bhatti, Secretary

Council of National Ethnocultural Organizations of Canada
- Andrew Cardozo, Consultant

Federation of Sikh Societies of Canada
- Guarcharan Singh, Past President
- Bakhsish Singh Samagh, Secretary

National Association of Canadians of Origins in India (NACOI)
- Navin Parekh, Vice-President, Ethnocultural Council
- P.S. Sunga, Treasurer
- S. Bhatnagar, Member

National Black Coalition
- John Harewood, President, Ottawa-Hull Regional Chapter

National Capital Alliance on Race Relations (NCARR)
- Rashmi Luther, Coordinator
- Margaret Sanders, Member

National Federation of Pakistani Canadians
- A. Nasim, President

Ottawa-Carleton Immigrant Services Organization
- Andrew Yau, Board Member and Past President
- Roxanne Kalimootoo, Community Organizer

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Canadian Labour Congress
- Richard Mercier, Executive Vice-President
- Neville Hamilton, Assistant to the President
- Carol Aitken, National Representative, Women's Bureau
- Guy Adam, National Representative

Public Service Alliance of Canada (PSAC)
- Daryl Bean, Executive Vice-President
- Navin Parekh, Director of Collective Bargaining

Kaplansky, Kalman, Former Director, Canada Branch, International Labour Office

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Employment and Immigration Canada
- D. Rhys Phillips, Policy Analyst, Affirmative Action Services
- Robert McIlroy, Director, Disabled Persons Employment Directorate
- Philip Godon, A/Director, Native Employment Directorate
- Maureen Goodspeed, A/Director, Women's Employment Directorate

Health and Welfare Canada
- Suzanne Paquette, Chief, Program Information Unit, Social Development Directorate
- Freda Paltiel, Senior Adviser, Status of Women Policy Development
- Barbara Morrison, Policy Analyst with the Office of Senior Adviser, Status of Women

Indian and Northern Affairs Canada
- D. I. Jetté, Director, Native Employment Programs Directorate

Public Service Commission
- David Gélinas, Access Programs Manager
- Dale Thompson, Senior Policy Analyst, Executive Secretariat
- W. M. Philip, Manager, National Indigenous Development Program
- Magda Bandoro, Program Information Officer, Office of Equal Opportunities for Women
- Edna M. MacKenzie, Director, Women's Career Counselling and Referral Bureau

Secretary of State
- Dhiru Patel, Chief, Race Relations, Multiculturalism Directorate
- Rosemarie Moffitt, Special Projects Officer, Native Citizens Directorate
- Lise Lavoie, A/Director, Women's Program

Transport Canada
- Clarence Chabot, Departmental Coordinator, Indigenous People's Program

## Toronto — December 5, 1983

CP Rail
- Robert Colosimo, Vice-President, Industrial Relations
- Donald Brazier, Assistant Vice-President, Industrial Relations

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Greckol, Sonja, Consultant, Management Services, Equal Opportunity Division, City of Toronto

Miller, Earl, Planner, Disabled and Elderly Division, City of Toronto
Poe-Mutuma, Chimbo, Executive Director, Committee on Community Race and Ethnic Relations, City of North York
Ramkhalawansingh, Ceta, Consultant, Management Services, Equal Opportunity Division, City of Toronto
Scotti, Rosanna, Coordinator, Multicultural Relations, Chief Administrative Officer's Department, Municipality of Metropolitan Toronto
Searles, Sylvia, Race Relations Development Officer, Chief Administrative Officer's Department, Municipality of Metropolitan Toronto
Souza, Tony, Race Relations Adviser, Toronto Board of Education

## Toronto — December 7, 1983

Ontario Human Rights Commission
- Borden Purcell, Chairman

## Toronto — December 12, 1983

The Management Council for Responsible Employee Relations:

Abitibi-Price Inc.
- J. F. Allison, Vice-President, Industrial Relations

Alcan Canada Products Ltd.
- R. J. Maheu, Vice-President, Personnel and Industrial Relations

Inco Limited
- W. A. Correll, Vice-President, Industrial Relations

Joseph E. Seagram & Sons Ltd.
- Peter Abbott, Vice-President, Personnel and Industrial Relations

Noranda Mines Limited
- A. Y. Fortier, Director of Corporate Relations

Shell Canada Limited
- Ross W. Pirrie, Consultant, Industrial Relations

Stelco Inc.
- Vic Harris, General Industrial Relations Manager

Westinghouse Canada Inc.
- E. A. Taylor, Vice-President, Human Resources

## Toronto — December 13, 1983

Federation of Women Teachers' Associations of Ontario
- Kay Sigurjonsson, Deputy Executive Secretary

North York Board of Education
- Shelagh Luka, Consultant, Affirmative Action, Status of Women

Ontario Institute for Studies in Education
- Edward B. Harvey

Ontario Secondary School Teachers' Federation
- Margaret Werkhoven, Chairperson, Provincial Status of Women Committee
- Harry Archer, Assistant Secretary

## Ottawa — December 14, 1983

Association des réalisateurs de la radio, L'
- Pierre Gariepy, Radio Producer

Canadian Union of Public Employees (CUPE)
- Jeff Rose, National President
- Gordon Johnson, Senior Officer - Broadcasting Division
- Jane Stinson, Research Assistant

Economists', Sociologists' & Statisticians' Association
- Jack MacKinnon, President
- Mary McKittrick, Director

Syndicat des journalistes de Radio-Canada (SJRC), Le, Comité de la condition féminine
- Michele Descent
- Dominique Payette
- Chantal Perrault

Union des artistes, L' (UDA)
- Andrée Lemieux, Information Officer

## Toronto — December 15, 1983

The Conference Board of Canada:

Conference Board of Canada, The
- James Frank, Vice-President
- Ronald Lachance, Manager, Compensation Research Centre Services

Honeywell Limited
- Claude Houde, Corporate Director, Human Resources/Administrative Services

IBM Canada Ltd.
- Thomas McNulty, Vice-President, Personnel

Imperial Oil Limited
- William P. Moher, Manager, Development and Organization

Kellogg Salada Canada, Inc.
- Paul Fisher, General Counsel and Secretary

Northern Telecom Limited
- John Rankin, Vice-President, Human Resources

Shell Canada Limited
- Gary Southward, Manager, Human Resources Policy

Simpsons-Sears Limited
- Robert J. Knox, Vice-President, Public Affairs

Union Carbide Canada Limited
- Alex Hainey, Senior Vice-President

## Toronto — December 16, 1983

**Alliance of Canadian Cinema, Television and Radio Artists (ACTRA)**
- **Lyn Jackson, National Vice-President and Executive Liaison/Affirmative Action**

- Judith Hayman, Chair, National Women's Caucus
- Jane Craig, Director of Communications

Canadian Air Line Dispatchers Association
- Adrian Sandziuk, President

Canadian Air Line Pilots Association (CALPA)
- First Officer Judy Cameron

Canadian Wire Service Guild
- Jerry E. MacDonald, Executive Officer

International Alliance of Theatrical and Stage Employees and Moving Picture Machine Operators of the U.S. and Canada (IATSE)
- Graydon Hulse, District Secretary

International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
- Edith Johnston, International Representative
- Wendy Cuthbertson, Director, Public Relations

National Association of Broadcast Employees and Technicians (NABET)
- Catherine Mallia, TV Technician

National Radio Producers Association, The
- Peter Gallus, Executive Director

Rail Canada Traffic Controllers (RCTC)
- Kim Hum

Society of Professional Engineers and Associates
- H. M. Tolpa, Vice-President
- C. M. Bailey, Executive Board Member

## Toronto — December 19, 1983

Grand Council, Treaty #3
- George Crow, Executive Director
- Doug Keshen, Legal Adviser

## Toronto — December 21, 1983

The Toronto Dominion Bank
- J. U. Joseph, Senior Vice-President, Human Resources Division
- James A. Lawson, Manager, Employee Relations
- Mary Lynne McIntosh, Manager, Employment Standards

## Ottawa — January 17, 1984

nuit Tapirisat of Canada
- John Amagoalik, President

nuit Women's Association
- Sheila Moss Davis

lative Women's Association of Canada
- Marilyn Kane

lunasi Corporation
- Earl Laliberté, Projects Director

Tungavik Federation of Nunavut
- John Merritt, Research Director
- Mary Crnkovich, Researcher and Negotiator

## Toronto — January 23, 1984

Ontario Human Rights Commission
- Bhausaheb Ubale, Race Relations Commissioner

## Ottawa — January 30, 1984

Canadian Labour Congress (CLC)
- Shirley Carr, Executive Vice-President
- Ron Lang, Director of Research and Legislation
- Carol Aitken, National Representative, Women's Bureau

Canadian Union of Postal Workers (CUPW)
- John Sehr, National Chief Steward
- Kathie Steinhoss, Assistant Researcher

International Brotherhood of Electrical Workers, Local 2228
- Paul Jollymore, Assistant Business Manager

Letter Carriers' Union of Canada
- Robert McGarry, President
- Norman Nelson, General Vice-President

Union of Postal Communications Employees (Public Service Alliance of Canada)
- Roy West, Executive Secretary

## Ottawa — February 13, 1984

Business Council on National Issues
- Thomas d'Aquino, President
- Peter Vivian, Senior Associate

## Ottawa — February 17, 1984

Canadian Air Line Flight Attendants' Association (CALFAA)
- Susan Harris, Base Vice-President, Malton

International Association of Machinists and Aerospace Workers (IAM)
- Louis Erlichman, Canadian Research Director

## Toronto — February 27, 1984

Anishinabek
- Joe Miskokomon, Grand Chief

Indian Social Services Council, Chiefs of Ontario
  - Richard Powless, Policy Analyst

Ontario Indian Housing Council
  - Shirley Anse, Policy Analyst

Union of Ontario Indians
  - Janice Bourdeau, Director, Social Services Program
  - Catherine McGregor, Community Development Programs Officer

## Montreal — February 28, 1984

Federation of Ethnic Groups of Quebec, Inc.
  - Pascual Delgado, Coordinating Secretary of the Ad Hoc Concertation Committee on Affirmative Action

Hellenic Community Centre of Montreal
  - Adrian Maris, President

International YMCA of Montreal
  - Anna Caputo, Director, Community Development

## Toronto — March 6, 1984

Business Council on National Issues:

Business Council on National Issues
  - Peter Vivian, Senior Associate

Canadian General Electric Company Limited
  - Terry Sutherland, Vice-President, Human Resources

Coopers & Lybrand
  - James B. Garrow, National Director of Personnel

Honeywell Limited
  - John Wouters, Corporate Director, Communications

Simpsons-Sears Limited
  - Loretta T. Ubell, Assistant National Manager, Personnel Relations

Metropolitan Insurance Companies
  - Emile Bergevin, Vice-President, Human Resources and Corporate Services

William M. Mercer Limited
  - Lynne Sullivan, Consultant

## Consultations

George Adams
  Former Chairman, Ontario Labour Relations Board
Doris Anderson
  Former President, National Action Committee on the Status of Women
Jill Armstrong
  Manager of Program Review and Design, Ontario Human Rights Commission
Harry Arthurs
  President, York University
M. Elizabeth Atcheson
  Barrister and Solicitor
Alan Aylward
  Lauron Productions Ltd.

J. David Baker
  Executive Director, Advocacy Resource Centre for the Handicapped
Elizabeth Baldwin
  Barrister and Solicitor
Maude Barlow
  Former Senior Adviser (Group Coordination), Prime Minister's Office
Sally Barnes
  Former President, Ontario Status of Women Council
Elizabeth Bartholet
  Professor, Harvard Law School
Edward Bayda
  Chief Justice, Saskatchewan Court of Appeal
Alfred W. Blumrosen
  Professor, Rutgers Law School
Marilyn Bongard
  Barrister and Solicitor
Alan Borovoy
  General Counsel, Canadian Civil Liberties Association
Christine Boyle
  Professor, Faculty of Law, Dalhousie University
Henry A. Brady
  Assistant Professor, Graduate School of Public Policy, University of California
William Brennan
  Consultant, Commissions of Inquiry
Mary Bruce
  Director, Equal Opportunity Division, Management Services Department, City of Toronto
Edward Buller
  Executive Director, Native Canadian Centre, Toronto
Catherine Burr
  Chief, Systemic Discrimination Section, Complaints and Compliance Branch, Canadian Human Rights Commission

Gerald Caplan
  Former Federal Secretary, New Democratic Party
Glenna Carr
  Executive Director, Ontario Women's Directorate

Shirley Carr
  Secretary-Treasurer, Canadian Labour Congress
Catharine Charlton
R. Simon G. Chester
  Counsel, Ontario Ministry of the Attorney General
Marnie Clarke
  Director General, Special Groups and Affirmative Action, Employment and Immigration Canada
Adrienne Clarkson
  Agent General for Ontario in France
Marjorie Cohen
  Lecturer, Women's Studies, York University
Ron Collett
Gail Cook
  Executive Vice-President, Bennecon Limited
Jocelyne Coté-O'Hara
  Policy Adviser on Women's Issues to Brian Mulroney, Ottawa
Irwin Cotler
  Professor, Faculty of Law, McGill University, and Visiting Professor, Harvard Law School
Margaret Cottrell-Boyd
  Assistant Secretary, Human Resources Division, Treasury Board
Gordon Cressy
  President, United Way of Greater Toronto
John Crispo
  Professor, Faculty of Management Studies, University of Toronto

Robert Daudlin
  Chairman, Special Committee on the Participation of Visible Minorities in Canadian Society
Alan M. Dershowitz
  Professor, Harvard Law School
Lucie Dion
  Deputy Project Leader, Federal Statutes Compliance Project, Department of Justice
Clara Dunning
  Consultant, Alternative Compliance Techniques, Federal Statutes Compliance Project, Department of Justice
Stefan Dupré
  Professor, Department of Political Science, University of Toronto

John Edwards
  Associate Deputy Minister, Employment and Immigration Canada
Margrit Eichler
  Professor, Department of Sociology in Education, Ontario Institute for Studies in Education
Orville Endicott
  National Legal Resources Coordinator, Canadian Association for the Mentally Retarded

R. Gordon L. Fairweather
  Chief Commissioner, Canadian Human Rights Commission
P. Des Fitzmaurice
  Director, Anti-Discrimination Directorate, Public Service Commission of Canada

Yves Fortier
  Barrister and Solicitor
Samuel Freedman
  Former Chief Justice, Manitoba Court of Appeal
John Fryer
  National President, National Union of Provincial Employees

Carol Gaudin
  Assistant Regional Administrator, Federal Contract Compliance Programs, U.S. Department of Labor, New York
Anne Golden
  Director of Planning, Allocations and Government Relations, United Way of Greater Toronto
H. Carl Goldenberg
  Barrister and Solicitor, and former Senator
Shirley Goldenberg
  Professor, Faculty of Management, McGill University
Martin Goldfarb
  Chairman, Goldfarb Consultants
Barbara Goode
  Executive Liaison, Consumer Advisory Committee, Canadian Association for the Mentally Retarded
Lynne Gordon
  Former Chairperson, Ontario Status of Women Council
Arthur Graham
  Policy Analyst, Federal Statutes Compliance Project, Department of Justice
Esther Greenglass
  Associate Professor, Department of Psychology, York University
Tom Greer
  Acting Executive Director, Management Services Department, City of Toronto
Allan Gregg
  President, Decima Research Ltd.
Morley Gunderson
  Professor, Centre for Industrial Relations, University of Toronto
Nicholas Gwyn
  Project Leader, Federal Statutes Compliance Project, Department of Justice

Grace Hartman
  Past National President, Canadian Union of Public Employees
Wilson Head
  Associate Professor, Department of Social Work, York University
Thea Herman
  Legal Counsel, Ontario Human Rights Commission
Daniel G. Hill
  Ombudsman, Ontario
Nancy Howell
  Associate Dean of Social Sciences, School of Graduate Studies, University of Toronto
Martha Hynna
  Executive Director, Employment Services, Employment and Immigration Canada

Harish C. Jain
  Professor of Organizational Behaviour, Faculty of Business, McMaster University
Roberta Jamieson
  Barrister and Solicitor and ex-officio member, Parliamentary Task Force on Indian Self-Government
Janis Johnson
  National Director, Progressive Conservative Party of Canada

Sharon Katz
  Technical Consultant, Special Groups and Affirmative Action, Employment and Immigration Canada
Donna Kaufman
Jack Kehoe
  Study Director, Special Committee on the Participation of Visible Minorities in Canadian Society
Patricia J. Kincaid
  Vice-Principal, Oakwood Collegiate Institute, Toronto
Arthur Kruger
  Professor, Department of Economics, University of Toronto

Trefflé Lacombe
  Commissioner, Public Service Commission of Canada
Helen Lafountaine
  President, Women Associates Consulting Inc.
Marcia Lalonde
  Group Chief, Public Service Affirmative Action Program, Personnel Policy Branch, Treasury Board Secretariat
John I. Laskin
  Barrister and Solicitor
James A. Lawson
  Manager, Employee Relations, The Toronto Dominion Bank
Hélène Lebel
  Barrister and Solicitor
David Lepofsky
  Counsel, Civil Division, Crown Law Office, Ontario Ministry of the Attorney General
Stephen Lewis
Claire L'Heureux-Dubé
  Justice, Quebec Court of Appeal
Martin Low
  General Counsel, Canadian Human Rights Law, Department of Justice
Keith Lowe
  President, Inter Cultural Associates

Jeffrey MacIntosh
  Assistant Professor, Faculty of Law, University of Toronto
Kay Macpherson
  Past President, National Action Committee on the Status of Women
Diana Majury
  Barrister and Solicitor
Lorna Marsden
  Senator and Professor, Department of Sociology, University of Toronto

Elizabeth McAllister
  Director, Women in Development, Canadian International Development Agency
Rosalie McConnell
  Executive Assistant to the Associate Deputy Minister, Employment and Immigration Canada
Thelma McCormack
  Professor, Department of Sociology, York University
Dennis McDermott
  President, Canadian Labour Congress
Marilou McPhedran
  Health Advocate, Public Health Department, City of Toronto
David McQueen
  Professor, Department of Economics, Glendon College, York University
Jennifer McQueen
  Commissioner, Public Service Commission of Canada
Terry Meagher
  Secretary-Treasurer, Ontario Federation of Labour
Noah Meltz
  Director, Centre for Industrial Relations, University of Toronto
Derek Mendes da Costa
  Former Chairman, Ontario Law Reform Commission
Frank Michelman
  Associate Dean, Harvard Law School
Karen Mock
  Consulting Psychologist, Inter Cultural Associates
Marilyn Mohan
  Research Consultant
LaVerne Monette

Nathan T. Nemetz
  Chief Justice, British Columbia Court of Appeal

Daniel Ondrack
  Associate Professor, Faculty of Management Studies, University of Toronto
Maureen O'Neil
  Coordinator, Status of Women Canada

Lucie Pepin
  President, Canadian Advisory Council on the Status of Women
D. Rhys Phillips
  Former Policy Analyst, Affirmative Action Services, Employment and Immigration Canada
Jenny Podoluk
  Consultant and former Director General, Content and Analysis Branch, Statistics Canada
Linda Poirier
  Former Director, Research and Special Studies Branch, Canadian Human Rights Commission
Marie-Claire Pommez
  Coordinator, National Women's Liberal Commission
William E. Pratt
  Operations Coordinator, Management Branch, Privy Council Office

Patricia Preston
  Former Executive Assistant to the Minister of Transport

Gail Radford
  Assistant Commissioner, Equal Employment Opportunity Bureau, Public Service Board, Government of Australia
Louis Rasminsky
Edward Ratushny
  Director, Human Rights Resource and Education Centre, University of Ottawa
Ratna Ray
  Former Director, Women's Bureau, Labour Canada
Denise Réaume
  Assistant Professor, Faculty of Law, University of Toronto
Heather Reisman
  Managing Director, The Nesbitt Consulting Group
Robert René de Cotret
  Former President, Conference Board of Canada
Dorothy Richardson
  Coordinator, Amendments to the Act, Canadian Human Rights Commission
Edna Rigby
  Manager, Planning and Resources, Newcomer Services Branch, Ontario Ministry of Citizenship and Culture
Alison Roberts
  Director, Women's Bureau, Ontario Women's Directorate
Peter Robertson
  Affirmative Action Consultant, Washington, D.C.
Alan Rose
  Deputy Secretary, Department of the Prime Minister and Cabinet, Government of Australia
Melvin L. Rothman
  Justice, Quebec Court of Appeal
Edward F. Ryan
  Counsel, Imperial Oil Limited

Laura Sabia
  Former Chairperson, Ontario Status of Women Council
A. Edward Safarian
  Professor, Department of Economics, University of Toronto
George Sape
  Vice-President, Organization Resources Counselors, Inc. (New York City - Toronto)
Harvey S. Savage
  Barrister and Solicitor
Paul Scott
  Chief, Affirmative Action Consulting Service, Employment and Immigration Canada (Toronto Regional Office)
Magda Seydegart
  Executive Director, Human Rights Resource and Education Centre, University of Ottawa
Susan Sherwin
  Associate Professor, Department of Philosophy, Dalhousie University
Owen B. Shime
  Barrister and Solicitor

Victoria Smith
    Senior Analyst, Organization Resources Counselors, Inc. (New York City)
Marilee Stephenson
    Senior Research Officer, Canadian Advisory Council on the Status of Women
Gay Stinson
    Policy Consultant, Affirmative Action Services, Employment and Immigration Canada
Jennifer Stoddart
    Director of Research, Canadian Advisory Council on the Status of Women
Gerald S. Swartz
    Canadian Loric Consultants Ltd.
Katherine Swinton
    Associate Professor, Faculty of Law, University of Toronto

Ivan M. Timonin
    Special Adviser to the Executive Director, Target Groups Data Assembly Project, Employment and Immigration Canada

Manon Vennat
    Vice-President, Administration, and General Counsel, AES Data Limited
Peter Vivian
    Senior Associate, Business Council on National Issues

Edward Waitzer
    Barrister and Solicitor
Paul Weiler
    Professor, Harvard Law School
Nan Weiner
    Assistant Professor, Faculty of Management Studies, University of Toronto
Peter White
    Special Adviser to Brian Mulroney, Ottawa
Martin B. Wilk
    Chief Statistician of Canada
Harry A. Wilson
    Commissions, Privy Council Office
Hellie Wilson

Max Yalden
    Commissioner of Official Languages

# Appendix D

## Crown Corporation Meetings and Questionnaire

During the first two weeks of July, 1983, the Commissioner met with the president or chief executive officer of each of the 11 corporations listed in the Terms of Reference. These initial meetings were held to explain the process of the Commission and the nature of the assistance and information the Commission hoped to receive from each corporation.

In early August a two-part questionnaire was sent to each corporation. Part I requested workforce participation data. Part II requested information on employment practices and systems.

In November and December, after the questionnaires had been received and analyzed, the Commissioner met again with the president or chief executive officer of each corporation. These subsequent meetings were held to discuss the results of the questionnaire and to solicit views on the options available to the Commission.

This appendix includes the following material:

- Participants at corporate meetings
- Questionnaire

## Corporate Participants*

| | |
|---|---|
| Air Canada | Claude Taylor<br>President and Chief Executive Officer |
| | James Whitelaw<br>Senior Vice-President, Human Resources |
| | Margaret Hamilton<br>Manager, Human Resources Programs |
| Atomic Energy of Canada Limited | James Donnelly<br>President and Chief Executive Officer |
| | Harry T. Hughes<br>Vice-President, Personnel |
| | Lois L. Emburg<br>Human Resources Planning Officer |
| Canada Mortgage and Housing Corporation | Robert C. Montreuil<br>President |
| | Raymond Boivin<br>Senior Vice-President |
| | Norman Hallendy<br>Vice-President, Organization Development |
| | Kathryn Elliott<br>Coordinator, Human Resources Policy and Special Projects |
| | Rosine Abonyi<br>Coordinator, Women's Bureau |
| Canada Post Corporation | R. Michael Warren<br>President and Chief Executive Officer |
| | Stewart T. Cooke<br>Executive Vice-President, Personnel and Labour Relations |
| | Elizabeth Kriegler<br>Vice-President, Corporate |
| | Clive A. Petersen<br>Executive Director, Personnel |
| | Judith Davidson-Palmer<br>Senior Director, Management and Organizational Development |
| Canadian Broadcasting Corporation | Pierre Juneau<br>President and Chief Executive Officer |
| | William T. Armstrong<br>Executive Vice-President |

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* Corporate positions and titles as of December, 1983.

| | |
|---|---|
| | Guy Coderre<br>Vice-President, Human Resources and Administration |
| | Helen McVey<br>Director, Office of Equal Opportunity |
| Canadian National Railway Company | J. Maurice LeClair<br>President and Chief Executive Officer |
| | Yvon Masse<br>Senior Corporate Vice-President and Chief Financial Officer |
| | Les Atkinson<br>Vice-President, Human Resources |
| | William Morin<br>Vice-President, Employee Relations - CN Rail |
| | George Lange<br>Senior Executive Assistant to the President |
| The de Havilland Aircraft of Canada, Limited | John Sandford<br>President and Chief Executive Officer |
| | William Easdale<br>Vice-President, Personnel and Industrial Relations |
| Export Development Corporation | Sylvain Cloutier<br>President and Chairman of the Board |
| | E. Glenn Law<br>Vice-President, Human Resources and Administration |
| Federal Business Development Bank | Guy Lavigueur<br>President |
| | Kenneth Neilson<br>Vice-President, Human Resources |
| | Pierrette Blanchette<br>Coordinator, Special Projects |
| Petro-Canada | Wilbert Hopper<br>Chairman and Chief Executive Officer |
| | John G. Lynch<br>Vice-President, Human Resources |
| | Doris Kerr<br>Director, Human Resources, Planning and Development |

| | |
|---|---|
| Teleglobe Canada | Jean-Claude Delorme<br>President and Chief Executive Officer |
| | André Lapointe<br>Executive Vice-President, Corporate Affairs |
| | John Crispin<br>Vice-President, Personnel |

# Questionnaire*

## DEFINITIONS

| | |
|---|---|
| **NATIVE PEOPLE:** | Status and non-Status Indians, Métis, Inuit. |
| **DISABLED PERSONS:** | Any person whose physical or mental disability would appear to limit his or her access to employment opportunities. |
| **VISIBLE MINORITIES:** | Non-white people other than native people. |
| **TARGET GROUP MEMBERS:** | Women, native people, disabled persons, and visible minorities. |
| **EQUAL OPPORTUNITY PROGRAMS:** | Programs (such as affirmative action) specifically designed to:<br>(i) promote equality of opportunity and improve employment of target group members;<br>(ii) eliminate systemic discrimination;<br>(iii) assist individuals to compete for employment opportunity on an equal basis. |
| **SYSTEMIC DISCRIMINATION:** | A general employment condition, specific practice, or approach to hiring or promotion that applies equally to everyone at a workplace but that negatively affects employment opportunity or advancement for specific groups of people. |

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* This questionnaire was designed by the Commission with the particular assistance of Professor Alfred Blumrosen, Dr. Marilyn Mohan, and Heather Reisman. Dr. Mohan and Ms. Reisman prepared an analysis for the Commission of, respectively, Part I and Part II of the completed questionnaires.

## DESCRIPTION OF OCCUPATIONAL GROUPS

UPPER-LEVEL MANAGERS. Those people holding the most senior positions in large firms or corporations. They are responsible for the corporation's policy and strategic planning, and for directing and controlling the functions of the organization. Includes: chief executive officer, president, vice-president, chief operating officers, general managers and divisional heads, and directors who have several middle managers reporting to them or are responsible for the direction of a critical technical function.

MIDDLE MANAGERS. Middle managers receive instructions from upper-level managers and administer the organization's policy and operations through subordinate managers or supervisors. Upper-level managers and middle managers together comprise all managers. Includes: financial, personnel, sales, advertising, purchasing, production, data processing, marketing, and research and development managers.

PROFESSIONALS. These occupations usually require either university graduation or prolonged formal training and often require membership within a professional association. Includes: engineers (civil, mechanical, chemical, electrical, petroleum, nuclear, aerospace, etc.); architects; lawyers; airline pilots and navigators; social workers; biologists; geologists; chemists; economists; psychologists; librarians; accountants; and kindred workers.

TECHNICIANS AND SEMI-PROFESSIONALS. These occupations usually require knowledge equivalent to about two years of post-high school education, such as is offered in many technical institutes and community colleges, and often have further specialized on-the-job training. Technicians possess highly developed manual technical skills. Includes: computer programmers and systems analysts; nurses; physio and occupational therapists; draftsmen and draftswomen; musicians; actors; photographers; illustrating artists; product designers; radio and television announcers; translators and interpreters; writers and editors; specialized inspectors and testers of electronic, electrical, mechanical, etc. products; vocational instructors; technicians (medical, electronic, engineering, architectural, dental, physical science, life science, library, etc.); and kindred workers.

SUPERVISORS. Non-management first-line supervisors of white-collar (clerical, sales, and service) workers. Supervisors may, but do not usually, perform any of the duties of the employees under their supervision. Includes: supervisors of stenographers; typists; account recorders; office machine and electronic data processing operators; library clerks; mail carriers and messengers; salespeople; food and beverage preparers; bookkeepers; receptionists; sales workers; and kindred workers.

FOREMEN/WOMEN. Non-management first-line supervisors of workers in blue-collar jobs. They may, but do not usually, perform any of the duties of the employees under their supervision. Includes: supervisors of machining; construction; heavy equipment operation; mechanical repairers; processing workers (food and beverage, textiles, wood, metals); workers in assembling and repairing; workers in air, railway, and water transportation; printers; excavators and pavers; and kindred workers.

CLERICAL. Includes all clerical work, regardless of difficulty, in which the activities are predominantly non-manual. Includes: bookkeepers; cashiers; collectors (bills and accounts); messengers and office helpers; office machine operators; mail clerks; typists; telephone operators; electronic data processing equipment operators; clerks (production, shipping and receiving, stock, scheduling, ticket, freight, library, reception, travel, hotel, personnel, statistical, general office); and kindred workers.

SALES. Occupations engaged wholly or primarily in selling. Includes: advertising agents; real estate agents; sales workers and sales clerks; stock brokers; insurance agents; travel agents; salespeople of technical and business services; and kindred workers.

SERVICE. Workers who provide personal service. Includes: attendants (hospital and other institutions, including nurses' aides and orderlies); barbers; bartenders; guides; food and beverage serving occupations; travel attendants; housekeepers; childcare occupations; and kindred workers.

SKILLED CRAFTS AND TRADESMEN/WOMEN. Manual workers of a high skill level, having a thorough and comprehensive knowledge of the processes involved in their work. They are frequently journeymen and journeywomen who have received an extensive period of training. Includes: welders; tool and die makers; sheet metal workers; carpenters; plumbers; mechanics and repairers; engravers; stationary engineers; aircraft and railway transport equipment mechanics and repairers; radio and television broadcasting equipment operators; radio and television service repairers; tailors and dressmakers; firemen; and kindred workers.

SEMI-SKILLED MANUAL WORKERS. Manual workers who perform duties that usually require a few months of specific vocational on-the-job training and a formal education which is less than high school completion. Generally, these are workers whose skill level is less than that of skilled crafts and trades workers, but greater than that of unskilled manual workers. Includes: truck and tractor drivers; bus drivers; paving, surfacing, and related occupations; roofers; photographic processors; sound and video recording equipment operators; those in apprenticeship training; textile workers; and kindred workers.

UNSKILLED MANUAL WORKERS. Workers in blue-collar jobs which generally require only a few days or no on-the-job training. The duties are manual, elementary, and require little or no independent judgement. Includes: garage labourers; car washers and greasers; swampers; gardeners (except farm); unskilled railway track workers; labourers performing lifting, digging, mixing, loading, and pulling operations; and kindred workers.

## PART I: ORGANIZATION DEMOGRAPHICS

This section contains 13 tables that should be completed as fully as possible. Where data are unavailable, enter n.a. and provide an explanatory note.

Gross Annual Salary Range: In this column record the upper and lower salary boundaries for each occupational group of the corporation except upper-level management. The upper-level management salary should be recorded as indicated in the example.

Number of Employees in each Salary Quartile: For each occupational group, divide the corporation's gross annual salary range into four equal intervals and provide the number of employees in each salary quartile. Record these numbers so that the uppermost quartile refers to those who earn the highest salary.

In the example organization, middle managers earn $30-70,000; four of them earn $60-70,000; and thirty-four of them earn $30-40,000.

These tables ask for the number of men, women, native people, disabled persons and visible minorities that fall within each of these salary quartiles calculated for the whole corporation (e.g., the number of women middle managers who are in the corporation's top salary quartile of $60-70,000 for middle managers).

| Occupational Group | Number | Percent of all Employees | Gross Annual Salary Range ($) | Number of Employees in each Salary Quartile |
|---|---|---|---|---|
| Upper-level Managers | 22 | .003 | 55 000 + | 2 |
| | | | | 5 |
| | | | | 12 |
| | | | | 3 |
| Middle Managers | 125 | .02 | 70 000 to 30 000 | 4 |
| | | | | 7 |
| | | | | 80 |
| | | | | 34 |

Definitions of Broad Occupational Groups

Definitions of the occupational groups are provided.

With the completed tables, please enclose a description of the type of work each occupational group includes. For example, one corporation's professionals may be comprised of engineers and pilots, another's may be comprised of physicists and chemists.

Please note, where professionals or others have managerial designations, please include them in a manager category, i.e., occupational group 1 or 2.

## Ia. OCCUPATIONAL MIX, BY SEX, JULY 1, 1983

Name of Crown Corporation ______________________

| OCCUPATIONAL GROUPS | ALL EMPLOYEES |  |  |  | MEN |  |  |  | WOMEN |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Number | % of All Employees | Gross Annual Salary Range ($) | Number of Employees in Each Salary Quartile | Number | % of All Men | % of All Employees | Number of Men in Each Salary Quartile | Number | % of All Women | % of All Employees | Number of Women in Each Salary Quartile |
| 1. Upper-level Managers |  |  |  |  |  |  |  |  |  |  |  |  |
| 2. Middle Managers |  |  |  |  |  |  |  |  |  |  |  |  |
| 3. Professionals |  |  |  |  |  |  |  |  |  |  |  |  |
| 4. Semi-Professionals & Technicians |  |  |  |  |  |  |  |  |  |  |  |  |
| 5. Supervisors |  |  |  |  |  |  |  |  |  |  |  |  |
| 6. Foremen/women |  |  |  |  |  |  |  |  |  |  |  |  |
| 7. Clerical Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 8. Sales Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 9. Service Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 10. Skilled Crafts & Tradesmen/women |  |  |  |  |  |  |  |  |  |  |  |  |
| 11. Semi-skilled Manual Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 12. Unskilled Manual Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| TOTALS |  | - | - | - |  | - | - | - |  | - | - | - |

## Ib. NUMBER & OCCUPATIONAL MIX OF VISIBLE MINORITIES — JULY 1, 1983

Name of Crown Corporation

| | VISIBLE MINORITIES | | | | |
|---|---|---|---|---|---|
| | | MEN | | WOMEN | |
| OCCUPATIONAL GROUPS | Number of Men & Women | Number of Men | # Men in Each Salary Quartile | Number of Women | # Women in Each Salary Quartile |
| 1. Upper-level Managers | | | | | |
| 2. Middle Managers | | | | | |
| 3. Professionals | | | | | |
| 4. Semi-Professionals & Technicians | | | | | |
| 5. Supervisors | | | | | |
| 6. Foremen/women | | | | | |
| 7. Clerical Workers | | | | | |
| 8. Sales Workers | | | | | |
| 9. Service Workers | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | |
| 11. Semi-skilled Manual Workers | | | | | |
| 12. Unskilled Manual Workers | | | | | |
| TOTALS | | | - | | - |

Visible Minorities: Non-white people other than native people.

Note: 1. Where data are unavailable, enter n.a.

2. Salary quartiles are those quartiles of the crown corporation's gross annual salary range, for each occupational group.

## Ic. NUMBER & OCCUPATIONAL MIX OF NATIVE PEOPLE — JULY 1, 1983

Name of Crown Corporation ______________________

| | NATIVE PEOPLE | | | | |
|---|---|---|---|---|---|
| | | MEN | | WOMEN | |
| OCCUPATIONAL GROUPS | Number of Men & Women | Number of Men | # Men in Each Salary Quartile | Number of Women | # Women in Each Salary Quartile |
| 1. Upper-level Managers | | | | | |
| 2. Middle Managers | | | | | |
| 3. Professionals | | | | | |
| 4. Semi-Professionals & Technicians | | | | | |
| 5. Supervisors | | | | | |
| 6. Foremen/women | | | | | |
| 7. Clerical Workers | | | | | |
| 8. Sales Workers | | | | | |
| 9. Service Workers | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | |
| 11. Semi-skilled Manual Workers | | | | | |
| 12. Unskilled Manual Workers | | | | | |
| TOTALS | | | - | | - |

Native People: Status and non-Status Indians, Métis, and Inuit.

Note: 1. Where data are unavailable, enter n.a.

2. Salary quartiles are those quartiles of the crown corporation's gross annual salary range, for each occupational group.

## Id. NUMBER & OCCUPATIONAL MIX OF DISABLED PERSONS — JULY 1, 1983

Name of Crown Corporation ______________________

| | DISABLED PERSONS | | | | |
|---|---|---|---|---|---|
| | | MEN | | WOMEN | |
| OCCUPATIONAL GROUPS | Number of Men & Women | Number of Men | # Men in Each Salary Quartile | Number of Women | # Women in Each Salary Quartile |
| 1. Upper-level Managers | | | | | |
| 2. Middle Managers | | | | | |
| 3. Professionals | | | | | |
| 4. Semi-Professionals & Technicians | | | | | |
| 5. Supervisors | | | | | |
| 6. Foremen/women | | | | | |
| 7. Clerical Workers | | | | | |
| 8. Sales Workers | | | | | |
| 9. Service Workers | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | |
| 11. Semi-skilled Manual Workers | | | | | |
| 12. Unskilled Manual Workers | | | | | |
| TOTALS | | | - | | - |

**Disabled Persons:** Those persons whose physical or mental disability would appear to limit their access to employment opportunities.

Note:
1. Where data are unavailable, enter n.a.
2. Salary quartiles are those quartiles of the crown corporation's gross annual salary range, for each occupational group.

## Ie. OCCUPATIONAL MIX OF PART-TIME EMPLOYEES — JULY 1, 1983

Name of Crown Corporation ______________________________

| OCCUPATIONAL GROUPS | MEN Number | WOMEN Number | VISIBLE MINORITIES Number | | NATIVE PEOPLE Number | | DISABLED PERSONS Number | |
|---|---|---|---|---|---|---|---|---|
| | | | Men | Women | Men | Women | Men | Women |
| 1. Upper-level Managers | | | | | | | | |
| 2. Middle Managers | | | | | | | | |
| 3. Professionals | | | | | | | | |
| 4. Semi-Professionals & Technicians | | | | | | | | |
| 5. Supervisors | | | | | | | | |
| 6. Foremen/women | | | | | | | | |
| 7. Clerical Workers | | | | | | | | |
| 8. Sales Workers | | | | | | | | |
| 9. Service Workers | | | | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | | | | |
| 11. Semi-skilled Manual Workers | | | | | | | | |
| 12. Unskilled Manual Workers | | | | | | | | |
| TOTALS | | | | | | | | |

**Part-time Employees:** Those employees who work less than the normally scheduled hours of full-time employees. For example, where full-time employees normally work 40 hours per week, part-time employees would be those who work 20 or 30 hours.

## If. OCCUPATIONAL MIX, BY SEX — JULY 1, 1978*

Name of Crown Corporation ______________________

*If the corporation cannot supply data for 1978, historical data which is available for some later year should be forwarded, with explanatory notes.

| OCCUPATIONAL GROUPS | ALL EMPLOYEES |  |  |  | MEN |  |  |  | WOMEN |  |  |  |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
|  | Number | % of All Employees | Gross Annual Salary Range ($) 1978 | Number of Employees in Each Salary Quartile | Number | % of All Men | % of All Employees | Number of Men in Each Salary Quartile | Number | % of All Women | % of All Employees | Number of Women in Each Salary Quartile |
| 1. Upper-level Managers |  |  |  |  |  |  |  |  |  |  |  |  |
| 2. Middle Managers |  |  |  |  |  |  |  |  |  |  |  |  |
| 3. Professionals |  |  |  |  |  |  |  |  |  |  |  |  |
| 4. Semi-Professionals & Technicians |  |  |  |  |  |  |  |  |  |  |  |  |
| 5. Supervisors |  |  |  |  |  |  |  |  |  |  |  |  |
| 6. Foremen/women |  |  |  |  |  |  |  |  |  |  |  |  |
| 7. Clerical Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 8. Sales Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 9. Service Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 10. Skilled Crafts & Tradesmen/women |  |  |  |  |  |  |  |  |  |  |  |  |
| 11. Semi-skilled Manual Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| 12. Unskilled Manual Workers |  |  |  |  |  |  |  |  |  |  |  |  |
| TOTALS |  | - | - | - |  | - | - | - |  | - | - | - |

## Ig. NUMBER & OCCUPATIONAL MIX OF VISIBLE MINORITIES — JULY 1, 1983

Name of Crown Corporation ______________________

| | VISIBLE MINORITIES | | | | |
|---|---|---|---|---|---|
| | | MEN | | WOMEN | |
| OCCUPATIONAL GROUPS | Number of Men & Women | Number of Men | # Men in Each Salary Quartile | Number of Women | # Women in Each Salary Quartile |
| 1. Upper-level Managers | | | | | |
| 2. Middle Managers | | | | | |
| 3. Professionals | | | | | |
| 4. Semi-Professionals & Technicians | | | | | |
| 5. Supervisors | | | | | |
| 6. Foremen/women | | | | | |
| 7. Clerical Workers | | | | | |
| 8. Sales Workers | | | | | |
| 9. Service Workers | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | |
| 11. Semi-skilled Manual Workers | | | | | |
| 12. Unskilled Manual Workers | | | | | |
| TOTALS | | | - | | - |

**Visible Minorities:** Non-white people other than native people.

Note: 1. Where data are unavailable, enter n.a.

2. Salary quartiles are those quartiles of the crown corporation's gross annual salary range for each occupational group.

## Ih. NUMBER & OCCUPATIONAL MIX OF NATIVE PEOPLE — JULY 1, 1978

Name of Crown Corporation ____________________

| OCCUPATIONAL GROUPS | NATIVE PEOPLE | | | | |
|---|---|---|---|---|---|
| | | MEN | | WOMEN | |
| | Number of Men & Women | Number of Men | # Men in Each Salary Quartile | Number of Women | # Women in Each Salary Quartile |
| 1. Upper-level Managers | | | | | |
| 2. Middle Managers | | | | | |
| 3. Professionals | | | | | |
| 4. Semi-Professionals & Technicians | | | | | |
| 5. Supervisors | | | | | |
| 6. Foremen/women | | | | | |
| 7. Clerical Workers | | | | | |
| 8. Sales Workers | | | | | |
| 9. Service Workers | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | |
| 11. Semi-skilled Manual Workers | | | | | |
| 12. Unskilled Manual Workers | | | | | |
| TOTALS | | | - | | - |

Native People: Status and non-Status Indians, Métis, and Inuit.

Note:
1. Where data are unavailable, enter n.a.
2. Salary quartiles are those quartiles of the crown corporation's gross annual salary range, for each occupational group.

## II. NUMBER & OCCUPATIONAL MIX OF DISABLED PERSONS — JULY 1, 1978

Name of Crown Corporation ______________________

| | DISABLED PERSONS | | | | |
|---|---|---|---|---|---|
| | | MEN | | WOMEN | |
| OCCUPATIONAL GROUPS | Number of Men & Women | Number of Men | # Men in Each Salary Quartile | Number of Women | # Women in Each Salary Quartile |
| 1. Upper-level Managers | | | | | |
| 2. Middle Managers | | | | | |
| 3. Professionals | | | | | |
| 4. Semi-Professionals & Technicians | | | | | |
| 5. Supervisors | | | | | |
| 6. Foremen/women | | | | | |
| 7. Clerical Workers | | | | | |
| 8. Sales Workers | | | | | |
| 9. Service Workers | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | |
| 11. Semi-skilled Manual Workers | | | | | |
| 12. Unskilled Manual Workers | | | | | |
| TOTALS | | | - | | - |

**Disabled Persons:** Those persons whose physical or mental disability would appear to limit their access to employment opportunities.

Note: 1. Where data are unavailable, enter n.a.

2. Salary quartiles are those quartiles of the crown corporation's gross annual salary range for each occupational group.

## IJ. GEOGRAPHICAL LOCATION OF WOMEN, NATIVE PEOPLE, VISIBLE MINORITIES, DISABLED PERSONS — JULY, 1983

Name of Crown Corporation ______________________

| | ALL EMPLOYEES | WOMEN | | NATIVE PEOPLE | | VISIBLE MINORITIES | | DISABLED PERSONS | |
|---|---|---|---|---|---|---|---|---|---|
| PROVINCE OR TERRITORY | Number | Number | % of all employees in that Prov./Terr | Number | % of all employees in that Prov./Terr | Number | % of all employees in Prov./Terr | Number | % of all employees in that Prov./Terr |
| 1 Northwest Territories | | | | | | | | | |
| 2 Yukon | | | | | | | | | |
| 3 Newfoundland | | | | | | | | | |
| 4 Prince Edward Island | | | | | | | | | |
| 5 Nova Scotia | | | | | | | | | |
| 6 New Brunswick | | | | | | | | | |
| 7 Quebec | | | | | | | | | |
| 8 Ontario | | | | | | | | | |
| 9 Manitoba | | | | | | | | | |
| 10 Saskatchewan | | | | | | | | | |
| 11 Alberta | | | | | | | | | |
| 12 British Columbia | | | | | | | | | |
| CANADA | | | | | | | | | |

**Native People:** Status and non-Status Indians, Métis, and Inuit.

**Visible Minorities:** Non-white people other than native people.

**Disabled Persons:** Persons whose physical or mental disability would appear to limit their access to employment opportunities.

## Ik. PERMANENT EMPLOYEES HIRED DURING THE LAST TWELVE MONTHS

Name of Crown Corporation ______________________

| OCCUPATIONAL GROUPS | EMPLOYEES HIRED DURING THE LAST 12 MONTHS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Number | Number Men | Number Women | Number Visible Minorities | | Number Native People | | Number Disabled Persons | |
| | | | | Men | Women | Men | Women | Men | Women |
| 1 Upper-level Managers | | | | | | | | | |
| 2 Middle Managers | | | | | | | | | |
| 3 Professionals | | | | | | | | | |
| 4 Semi-Professionals & Technicians | | | | | | | | | |
| 5 Supervisors | | | | | | | | | |
| 6 Foremen/women | | | | | | | | | |
| 7 Clerical Workers | | | | | | | | | |
| 8 Sales Workers | | | | | | | | | |
| 9 Service Workers | | | | | | | | | |
| 10 Skilled Crafts & Tradesmen/women | | | | | | | | | |
| 11 Semi-skilled Manual Workers | | | | | | | | | |
| 12 Unskilled Manual Workers | | | | | | | | | |
| TOTALS | | | | | | | | | |

Visible Minorities: Non-white people other than native people.

Native People: Status and non-Status Indians, Métis, and Inuit.

Disabled Persons: Persons whose physical or mental disability would appear to limit their access to employment opportunities.

Note:
1. Do not include non-permanent employees such as those normally hired on a seasonal basis.
2. Where data are unavailable, enter n.a.

## II. PERMANENT EMPLOYEES LAID OFF OR TERMINATED BY THE CORPORATION DURING THE LAST TWELVE MONTHS

Name of Crown Corporation ______________________________

| | EMPLOYEES LAID OFF BY THE CORPORATION DURING THE LAST 12 MONTHS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Number Visible Minorities | | Number Native People | | Number Disabled Persons | |
| OCCUPATIONAL GROUPS | Number | Number Men | Number Women | Men | Women | Men | Women | Men | Women |
| 1 Upper-level Managers | | | | | | | | | |
| 2 Middle Managers | | | | | | | | | |
| 3 Professionals | | | | | | | | | |
| 4 Semi-Professionals & Technicians | | | | | | | | | |
| 5 Supervisors | | | | | | | | | |
| 6 Foremen women | | | | | | | | | |
| 7 Clerical Workers | | | | | | | | | |
| 8 Sales Workers | | | | | | | | | |
| 9 Service Workers | | | | | | | | | |
| 10 Skilled Crafts & Tradesmen women | | | | | | | | | |
| 11 Semi-skilled Manual Workers | | | | | | | | | |
| 12 Unskilled Manual Workers | | | | | | | | | |
| TOTALS | | | | | | | | | |

Visible Minorities: Non-white people other than native people.

Native People: Status and non-Status Indians, Métis, and Inuit.

Disabled Persons: Persons whose physical or mental disability would appear to limit their access to employment opportunities.

Note: 1. Do not include non-permanent employees such as those normally hired on a seasonal basis.

2. Where data are unavailable, enter n.a.

## Im. PERMANENT EMPLOYEES WHO WERE PROMOTED DURING THE LAST TWELVE MONTHS

Name of Crown Corporation ______________________

| OCCUPATIONAL GROUPS | EMPLOYEES PROMOTED DURING THE LAST 12 MONTHS | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Number | Number Men | Number Women | Number Visible Minorities | | Number Native People | | Number Disabled Persons | |
| | | | | Men | Women | Men | Women | Men | Women |
| 1 Upper-level Managers | | | | | | | | | |
| 2 Middle Managers | | | | | | | | | |
| 3 Professionals | | | | | | | | | |
| 4 Semi-Professionals & Technicians | | | | | | | | | |
| 5 Supervisors | | | | | | | | | |
| 6 Foremen/women | | | | | | | | | |
| 7 Clerical Workers | | | | | | | | | |
| 8 Sales Workers | | | | | | | | | |
| 9 Service Workers | | | | | | | | | |
| 10. Skilled Crafts & Tradesmen/women | | | | | | | | | |
| 11 Semi-skilled Manual Workers | | | | | | | | | |
| 12 Unskilled Manual Workers | | | | | | | | | |
| TOTALS | | | | | | | | | |

Visible Minorities: Non-white people other than native people.

Native People: Status and non-Status Indians, Métis, and Inuit.

Disabled Persons: Persons whose physical or mental disability would appear to limit their access to employment opportunities.

Note: 1. Promoted persons are those who were moved from one classification to a higher classification according to the corporation's own classification system.

2. Where data are unavailable, enter n.a.

## PART II: EMPLOYMENT PRACTICES AND SYSTEMS

Please provide your answers on a separate page, being sure to number each reponse.

1. Current Equal Opportunity Program

    1.1 Is equal opportunity currently a corporate or human resource goal of your organization? If so, please provide the goal statement.

    1.2 (a) Do you have a formal equal employment opportunity or affirmative action program?

    (b) When was it established?

    (c) Who are the target groups for the program?

    1.3 What are some of the major initiatives undertaken in connection with the above-noted program(s)?

    1.4 (a) Have the personnel practices in your organization been examined with a view to eliminating systemic discrimination? If so, what resulted from the review?

    (b) Have any personnel policies or practices been modified specifically to improve employment opportunities and mobility for target group members? If so, please define the changes and describe the impact of these changes.

    1.5 Have position descriptions and job specifications been reviewed to determine whether existing hiring requirements (i.e., weight, height, education level) may be a reflection of stereotype rather than job requirement? If so, please describe positions for which changes have been made.

    1.6 Who in your organization is responsible for the development of equal employment opportunity or affirmative action programs? To whom does this person (or people) report?

    (a) What responsibility, if any, do line managers have with respect to these programs?

    1.7 Have specific targets or numerical goals been set for any of the target group members? If so, please describe the process for setting goals, establishing timetables, and monitoring results.

    1.8 Is any information currently collected to track the number and mobility of target group members in the organization? If so, please describe.

    1.9 Do you provide any training or development programs directed toward eliminating occupational stereotyping and bias or augmenting specific skills of target group members? If so, please describe these and identify the employee groups who have participated.

    1.10 Have you prepared any cost/benefit analyses with reference to equal opportunity/affirmative action activities? If so, please provide a summary of these.

1.11 How do you ensure accountability for results in your equal opportunity/affirmative action program(s)? What specific incentives or disincentives are employed?

1.12 In light of your experience, identify those equal oportunity/affirmative action efforts which you have found to be the most effective for improving employment opportunities for women, native people, disabled persons, and visible minorities.

## 2. Organization

2.1 Please provide copies of the corporate and divisional organization charts you normally use.

2.2 (a) Please provide a description of task forces which have been established in your corporation to deal with major organization issues such as productivity, the impact of microelectronics, etc.

(b) For each of these, what is the percentage representation of women, native people, disabled persons, and visible minorities?

## 3. Personnel Policies and Practices

3.1 Does your organization currently provide any of the following:

- Childcare provisions, including daycare
- Transportation to and from work
- Opportunities for extended leave
- Opportunities to shift to part-time work* or to full-time work
- Flex-time**
- Physical access (entrance/exit, and on-site facilities) for disabled persons

If so, briefly describe the current policy and practices.

3.2 What workplace aids and adaptations (if any) are available for those with handicaps?

3.3 Do you have a promotion-from-within policy? If so, describe the process(es) (i.e., job posting, inventory, seniority, other) which are used to identify candidates for each of the occupational groups identified in Part I.

3.4 Do you have a self-nomination process for promotion? For training programs? If so, please describe.

---

* Part-time refers to schedules that represent some part of a usual work week, i.e., weekend, mornings, two days per week.

** Flex-time (flexible work hours) is a schedule that permits employees to choose their own working hours to some extent provided they work the normal number of hours. Flex-time schedules generally include several (perhaps six hours) of "core time" during which all employees must be on the job. However, an employee may choose to come to work half an hour or an hour late and make up the time after the normal closing time. Conversely, employees may start earlier and leave earlier if they prefer.

3.5 Do you have a high potential review*** process? If so, please describe the criteria for establishing potential and the process for identifying candidates.

3.6 For each of the occupational groups established in Part I, what is the ratio of internal/external recruiting?

3.7 Using the occupational group breakdown established in Part I, please identify the type of recruiting methods used when hiring from the outside, i.e., advertisements, executive search, employment agencies, word of mouth, drop in, etc.

3.8 Is geographical mobility a requirement in your organization? If so, please describe your mobility policy and practices.

3.9 Has your organization undertaken any programs to increase bilingualism at various levels? If so, please describe these and provide your opinion on the positive and negative aspects of the design, implementation, monitoring, and enforcement of these programs.

3.10 What programs are currently being considered or have been developed to deal with the impact of technology on employees? Please highlight the impact of these programs for target group members.

3.11 Is there a process by which employees can complain of personnel actions or decisions which they believe to have been based on the fact that they are women, native people, disabled persons, or visible minorities? If so, please describe the process.

4. This question, which asked corporations to rank factors inhibiting the achievement of equal employment opportunities for each group, has been deleted as it proved to be insufficiently instructive.

5. Seniority Systems

5.1 Please indicate which of your employee groups are subject to a collective bargaining agreement; submit the name, address, and telephone number of the union which represents them; and attach copies of all collective agreements now in effect. Identify the provisions of the agreements which relate to job access, promotion, transfer, and layoff. Examples of these provisions are:

> Loss of seniority on transfer. In the event of a transfer to a new unit, does the transferred employee become the most junior employee, subject to layoff first in the event of a reduction in force?
>
> Reduction in pay on transfer. Does the transferred employee take the pay of the lowest-paid person in the unit to which the transfer is made, even if that is lower than the rate in the job from which the transfer is made?
>
> Lack of notice. Are vacancies in predominantly white/male units posted where females, native people, disabled persons, and visible minorities can see them?

---

*** High potential review refers to any process that singles out individuals for special attention or accelerated advancement based on a belief that the individual has special ability to perform and contribute to the organization.

Does the system utilize a "last in first out" principle for layoffs? Are there exceptions concerning "ability to perform" or "affirmative action hires"?

5.2 Some employers have established the principle that seniority in some form will govern their decisions on promotion and layoff. If you have established such a system with respect to your non-union employees, please respond to the following question:

In the event of a transfer to a new area, does the transferred employee become the most junior employee, subject to layoff first in the event of a reduction in force?

## 6. Benefits

For non-union employees:

6.1 What is the policy on eligibility, duration, and timing of maternity/parental leave?

6.2 Please describe each of the benefit packages available by occupational group.

For unionized employees:

6.3 Using the collective agreements requested in 5.1, please highlight those aspects of the agreements which refer to benefits.

# Appendix E

## Research Documents

The Commission contracted 39 research papers on topics relevant to the Terms of Reference.

This appendix contains brief descriptions of these documents, listed alphabetically by author.

## Research Documents

Agarwal, Naresh C.

*Economic Costs of Employment Discrimination.* A review of the occupational distribution and unemployment rates of women, native people, and visible minorities. Discusses the effects of discrimination on national output, employer costs, labour market efficiency, and the economic condition of the respective groups.

Bakker, Isabella

*The International Context: How do Canadian Women Fare Compared to Women in the Rest of the OECD Region?* An analysis of the economic situation of Canadian women compared to women in other Organization for Economic Co-operation and Development countries. Participation rates, equal pay measures, occupational segregation, and tax and pension policies are discussed.

Bankier, Jennifer

*Equality, Affirmative Action, and the Charter: Reconciling "Inconsistent Sections".* An analysis of apparently conflicting sections of the Charter of Rights and Freedoms and a proposal to reconcile these sections. Discrimination and equality are discussed with reference to the U.S. experience.

Beck, J. Helen

*Target Groups and the Charter of Rights: Business Organizations, The Handicapped, and Women.* A summary of presentations made by selected groups representing business, the disabled, and women to the Special Joint Committee on the Constitution, with special emphasis on issues relevant to the Terms of Reference of this Commission.

Bellemare, Diane; Dussault, Ginette; Poulin-Simon, Lise

*Les femmes et l'économie.* A description of how the evolution of the paid labour force since the last century has affected women. Factors such as high unemployment, job segregation, and market trends are considered.

Blumrosen, Alfred W.

*Improving Equal Employment Opportunity Laws: Lessons from the United States Experience.* A discussion of the U.S. experience with contract compliance and affirmative action, and a description of what would constitute a model equal employment opportunity statute.

*Further Notes on the U.S. Experience.* An assessment of certain administrative aspects of establishing and maintaining an affirmative action plan, of the reporting system required of employers, and of the qualifications of corporate and government equal employment personnel.

Buckland, Lin

*Education and Training: Equal Opportunities or Barriers to Employment?* An analysis of training and education issues as they relate to inequality in employment. Reviews social and economic theories of education, empirical data relating to access to education, barriers to education, and the implications to the disadvantaged of changes in the economy and labour force.

Calzavara, Liviana

*Trends in the Employment Opportunities of Women in Canada.* A look at Canadian women in the labour force over the past 50 years, with data on male and female participation and unemployment rates, part-time work, earnings, and occupational and industrial distributions. Reviews current social and economic explanations for differences, particularly in earnings and occupational distributions.

Chester, R. Simon G.

*Equality in Employment: Observations from International and Comparative Law.* A survey of the available literature on equality in employment in selected jurisdictions outside North America. Summarizes declarations, conventions, covenants, and recommendations of international organizations and provides an overview of employment legislation and practices relating to women, the disabled, and minorities, in Great Britain, West Germany, the Netherlands, France, Norway, Sweden, Australia, and Japan.

Cleveland, Janet

*Implementation of Affirmative Action Programs in the Current Workplace Context.* An analysis of labour relations issues, including employment standards legislation and collective bargaining structures, and their impact on affirmative action programs.

Eichler, Margrit

*Equality in Employment.* A discussion of the meaning for women of equality in employment when considered in the context of social policy development in Canada. Outlines measures to ensure equal access and equivalent working conditions for men and women.

*The Connection between Paid and Unpaid Labour and its Implication for Creating Equality for Women in Employment.* A review of the debate on how to measure the value of unpaid work, given its importance to the maintenance of the paid labour force, and a discussion on how to distinguish between the public and private aspects of unpaid work.

Erin Research
(Prepared by Kasia Seydegart and George Spears)

*"You'd Think You Were in Heaven": Federal Government Legislation, Policy, and Programs that Affect Equality in Employment of Four Target Groups.* A listing and evaluation of federal government legislation, programs, and policies — other than those under the jurisdiction of the Canada Employment and Immigration Commission — affecting women, disabled persons, native people, and visible minorities in employment.

Gold, Marc

*The Constitutional Dimensions of Promoting Equality in Employment.* A consideration of constitutional dimensions of federal action to promote equality in employment, including consideration of the scope of federal legislative jurisdiction, the impact of the Charter of Rights and Freedoms and the effectiveness of litigation as a means of achieving a greater measure of equality in employment.

Goldfarb Consultants

*An Analysis of Canadian Women.* A compilation and discussion of data concerning certain attitudes and behaviours of Canadian women, based on material obtained from 1976 to 1983.

Gunderson, Morley

*Labour Market Aspects of Inequality in Employment and Their Application to Crown Corporations.* A study of equality in employment in crown corporations, based on theoretical principles and empirical evidence, set in the context of the labour market aspects of discrimination and inequality. Includes an analysis of the sources of discrimination as a basis for evaluating policy options to reduce discrimination and inequality.

Head, Wilson A.

*The Concept of Race and Racism in Human Societies*. An outline of the historical development of the concept of race as a means of identifying and categorizing peoples. Discusses problems in making such distinctions as either a biological or social phenomenon.

Hughes, Patricia

*Determinants of Discrimination*. A survey of the psychological, socio-cultural, and economic determinants of prejudice and discrimination.

*Equality in Political Theory*. A review of selected writings of political theorists and philosophers from Aristotle to Rawls, with particular attention to the concept of equality in liberal and liberal-democratic theory.

*Issues under the Charter*. An analysis of whether or not actions may be brought against private individuals and crown corporations under the Charter of Rights and Freedoms, and whether, and to what extent, affirmative action programs would be compatible with the equality rights established by Section 15(1) of the Charter.

*Terms of Reference: Definitions*. An examination of the meaning of four concepts essential to discussions of equality: disability, discrimination, *bona fide* occupational qualification, and reasonable accommodation.

Kaplansky, Marsha

*Target Groups and the Charter of Rights: Native Peoples, Visible Minorities, and Labour's Reaction*. Summaries of submissions relevant to equality issues made by native people, visible minority, and labour organizations to the Senate and House of Commons Special Joint Committee on the Constitution, the 1978 First Ministers' Conference on the Constitution, and the 1983 First Ministers' Conference on Aboriginal Constitutional Matters.

Katz, Sharon

*CEIC and Target Group Members*. General descriptions of the training, job creation, and affirmative action programs and the employment information, counselling, and placement services offered by the Canada Employment and Immigration Commission. Data on current target group participation in the training programs are given along with information on the special services available to target group members.

Lampkin, Lorna

*Visible Minorities in Canada*. A summary of historical and socio-cultural profiles of visible minorities, including blacks, Chinese, Japanese, South Asians, Southeast Asians, and Latin Americans.

Mahoney, Kathleen

*Day Care and Equality in Canada*. An examination of how the provision of daycare affects women's ability to achieve equality in employment. Considers the societal, legal, financial, and tax consequences of the different forms of daycare.

Monica Townson Associates Inc.
(prepared by Monica Townson)

*The Socio-Economic Costs and Benefits of Affirmative Action for Canada*. A review of the general employment situation of women, disabled persons, native people, and visible minorities. Evaluates affirmative action as a means of improving employment opportunities for these groups. Assesses the economic costs and benefits of this measure with reference to the American experience.

Mossman, Mary Jane

*Gender, Equality and the Charter*. A discussion of various concepts of equality and ways in which equality may be achieved under the Charter of Rights and Freedoms in light of experience with the Bill of Rights and American constitutional law.

Phillips, D. Rhys

*Equity in the Labour Market: The Potential of Affirmative Action*. A comprehensive report on the principles of affirmative action as a strategy for eliminating employment discrimination. The employment situation of women, native people, disabled persons, and visible minorities is described, as are objectives of federal labour market policy.

Podoluk, Jenny

*Profiles of the Canadian Labour Market*. Profiles of the Canadian labour market based primarily on the 1981 census and focused on women, native people, visible minorities, and disabled persons.

Powless, Richard C.

*Native People and Employment*. A review of the history and socio-economic conditions of native people and of the federal government's programs and policies.

Rioux, Marcia H.

*Labelled Disabled and Wanting to Work*. An analysis of employment barriers facing disabled persons, including social and employment policies, disability income schemes, legislative barriers, education, and transportation. Reviews a variety of solutions proposed to eliminate barriers, including a model of independent living, vocational rehabilitation, alternative income schemes, anti-discrimination policies, economic incentives and employment programs.

Schusheim, Evelyn R.

*Federal-Provincial Cost Sharing Arrangements*. A review of two forms of cost sharing — block funding and conditional grants — as methods of financing equal opportunity measures administered by the provinces.

*Tax Incentives and Their Application to Equal Opportunity Measures*. A review of current tax incentives under the federal Income Tax Act and possible tax incentives to promote equal opportunity measures.

Swinton, Katherine

*Restraints on Government Efforts to Promote Equality in Employment: Labour Relations and Constitutional Considerations*. An analysis of Canadian constitutional issues with particular emphasis on the Charter of Rights and Freedoms. Considers the implications of equal opportunity measures for labour relations, the collective bargaining process, and seniority systems.

Urban Dimensions Group, Inc.
(Prepared by Edward B. Harvey and John H. Blakely)

*Strategies for Establishing Affirmative Action Goals and Timetables*. A technical study of the elements of an affirmative action program. Outlines the components of the U.S model — including availability analysis, goal-setting with reference to the labour market, and monitoring and auditing — and their relevance for Canada.

Weinfeld, Morton

*The Social Costs of Discrimination in Canada*. An assessment of the effects of discrimination in employment on individuals and on society, with particular reference to women, native people, disabled persons, and visible minorities.

William M. Mercer Limited
(Prepared by Lynne Sullivan and David Alexander)

*Non-Discrimination in Base Pay*. A compilation of federal legislation relevant to the issue of non-discrimination in income and a review of the Equal Pay Guidelines and interpretative material developed by the Canadian Human Rights Commission. Lists techniques for auditing bias in employment systems and guidelines for equitable job evaluation and salary administration.

Women Associates Consulting Inc.

*Issues in Affirmative Action: An Overview*. Outlines the components of equal opportunity and affirmative action programs. Describes adverse employment practices.

# Appendix F

# Commission Personnel

## Commission Personnel

| | |
|---|---|
| Commissioner | Judge Rosalie Silberman Abella |
| Executive Coordinator | Bernadette Sulgit |
| Policy Researchers | Judith Bellis<br>Lynn Bevan<br>Christine Caouette<br>Marilyn Leitman<br>Stephen Sharzer<br>Paul Sniderman |
| Librarian and Policy Research | Lorraine Wilson |
| Researcher | Peter Bernhardt |
| Administrative Coordinator | Eunice Bartolucci |
| Meetings/Submissions Coordinator | Lori Brown |
| Office Assistant | Sherri Richardson |
| Word Processing Specialist | Ramola Vanderhyden |
| Senior Typist | Gloria Goodman |
| Administrative Services | Leigh Bartlett<br>Connie Carter<br>Sharon DePasquale<br>Kathleen Donnelly<br>Margaret Forbes<br>Gail Hill<br>Edwine Hugenholtz<br>Yvonne Litman<br>Lynda Pape<br>Shirley Sargent<br>Nighat Sukhera |
| Assistants to the Meetings/Submissions Coordinator | Monica Carr<br>Louise Cohn<br>Julia Moulden |
| Editors, English Edition | Lynn Bevan<br>Barbara Moon<br>Bernadette Sulgit |
| Editor, French Edition | Josette Duchesne |
| Financial Officer | Hersh Howard |
| Cover Designer | Lyle Ford |

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